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IN THE MATTER of the Public Inquiries Act,
R.S.A. 1970 C.296 and amendments thereto

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Harradence Report.



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AND IN THE MATTER of the Public Inquiry by
A.M. Harradence, Q.C., pursuant to Order in
Council 1295/73 dated August 21, 1973 into
the alleged use of excessive force by
Correctional Officers upon inmates of the
Calgary Correctional Institution during the
evening of July 17, 1973 and any other
similar instances.

RECEIVED

OCT 19 1973

In the office of
THE ATTORNEY GENERAL

PUBLIC INQUIRY

Proceedings taken in the Club Room at the
Jubilee Auditorium, Calgary, Alberta, com-
mencing on the 1st day of October A.D. 1973.

Volume I

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THE COMMISSIONER: Mr. Peacock.

MR. PEACOCK: Mr. Commissioner, before we start I will introduce to you the counsel who are representing those involved, Mr. William Stilwell representing the Civil Service Association of Alberta, Mr. Web Macdonald and Mr. Lorne Scott representing various and sundry of the inmates involved. Mr. McDonnell presiding as Clerk of the Inquiry and Chief Inspector Art Roberts, as you know, is the Chief Investigator who has been compiling the information which is being presented before you.

The first thing that I will present to you to have marked is the original Order in Council appointing you as Commissioner and I might just make a brief comment that the Commission itself, as you are aware, is set up to investigate the alleged excessive use of force on July 17th by Correctional Officers on inmates of the Calgary Provincial Gaol as well as any other incident which should come to your attention that you see fit to inquire into.

THE COMMISSIONER: EXHIBIT 1 - ORDER IN COUNCIL.

MR. PEACOCK: We have in our investigation uncovered what we feel are five incidents which we propose to put before you. The first is the incident on July 17th, the second is an incident involving an inmate by the name of Brian Nurse. I believe that incident took place

approximately July 20th. The third is an incident involving inmates by the name of Harwig and Rochealu. I believe they took place on or about June 24th. The fourth is an incident involving an inmate by the name of Poole and the fifth involves an incident with respect to an inmate by the name of Cullimore.

Now there will be other incidents that will come to light but those are the five incidents that have come forward in the investigation conducted primarily by Chief Inspector Roberts. I propose to deal with a sixth category and that is a general category. We have had people respond to notices and respond to inquiries by Chief Inspector Roberts who have general comments to make on the situation. I propose to leave that portion of the Inquiry to the last to make certain that any specific incidences are covered. The proposal to proceed with your concurrence will be to inquire first into general practice and the general operation of the Calgary Correctional Institute. We will then proceed with the July 17th incident.

THE COMMISSIONER: Do you have the approximate date of the Poole and Cullimore incidents.

MR. PEACOCK: I believe they are both approximately the same time, July 17th or 18th. We haven't received, by the way, full statements. We have received the majority of the statements with respect to each one but I gather there is further interviews being conducted.

We will proceed hopefully with the general rundown of how the Institution is operated and then we will proceed into the July 17th incident which is the first one giving rise to the Order in Council. I might advise that we have subpoenaed in the neighbourhood of 40 witnesses with respect to the July 17th incident. I think we would be fortunate to finish this week. For the record, we have set up four days tentatively for October 29th through to, I believe, the 2nd of November but a notice of that will be published as to the adjourned dates that the Inquiry will proceed. I might advise as well that we have prepared an Affidavit of Publication of Notice which I will present and have marked as an exhibit.

THE COMMISSIONER:

Two.

EXHIBIT 2 - AFFIDAVIT
OF PUBLICATION OF NOTICE.

MR. PEACOCK:

The Notice was published in the Herald and the Albertan last Monday, a Notice inviting people who wished to give evidence to attend or to contact myself and we would make arrangements for the presentation of evidence. As well, Inspector Roberts has had announcements made over the public address system at the Correctional Institute and I understand as well the Notice was circulated amongst inmates.

Unless there is anything more of a preliminary nature, I propose to call the first witness.

THE COMMISSIONER: Just one thing, Mr. Peacock, apparently there was some misunderstanding as to when the sittings would commence. I understand your subpoenas have gone out for 9:30 which I think is excellent but I do want to make it clear that we will only be sitting between ten and twelve and two and four.

MR. PEACOCK: Fine, thank you. I understand as well you would like witnesses who will be testifying to be excluded while other witnesses are giving evidence.

THE COMMISSIONER: Until they have given their testimony, that's correct.

MR. PEACOCK: I would like to call Warden Jackson, please.

MR. STILWELL: May I make an application at this stage? There is one witness and his name is Fred Lumsden. He is the Branch Chairman of the Civil Service Association at the Institution. He is subpoenaed for Thursday. The only evidence which he will give when he is called relates to a search which he conducted on the 18th of July or at least I am so informed, and I am subject to correction. Could you possibly make an exception in his case because I am taking my instructions from him on a day-to-day basis?

MR. PEACOCK: I have no objection.

THE COMMISSIONER: Fine.

WARDEN JAMES FRANCIS

JACKSON, having first been duly sworn, examined by Mr. Peacock, testified as follows:

Q Sir, what is your occupation?

A I am known as the Warden of the Calgary Correctional Institution or in official language, the Chief Executive Officer.

Q And you have been Chief Executive Officer of the Calgary Provincial Gaol for how long?

A Twelve years.

Q What is the correct title of the Institution?

A Calgary Correctional Institution.

Q And I am sorry, you said how long?

A Twelve years.

Q And in your official capacity during this 12 years, you have been the person primarily in charge of the running and operation of the Calgary Correctional Institution?

A That's correct.

Q And you still are. Now sir, I wondered if you might for the Commissioner advise us of the physical layout of this operation. I have got a series of photographs and perhaps I will just leave those with you and I believe that you will find those proceed in order as you proceed in the front door and around the physical layout itself and if you start as we are going in the front door of the Institution, advise for us what the setup is and what the purpose of each -

A Mr. Commissioner, before the proceedings go any further, there are two points I would like to clarify with your permission.

THE COMMISSIONER: Certainly.

A One, we have a detailed floor sketch of the Institution. If it is on exhibit will assist everybody and will avoid a lot of description.

Q MR. PEACOCK: Is this the document you are referring to, sir?

A I believe that is. Yes, that's it. A floor plan. If that is made available -

Q Is that a floor plan of the Calgary Correctional Institution?

A That's correct.

MR. PEACOCK: Perhaps we could mark that as an exhibit.

EXHIBIT 3 - FLOOR PLAN.

A Point No. 2, and I want to make this clear to the public, to the Commissioner and to everybody here present that I have every faith and every confidence in the fairness and impartiality of this investigation, regardless of its outcome. Before proceeding to give any further evidence, I am asking the Commission if in my capacity as Chief Executive Officer of the Calgary Correctional Institution that I am being afforded the same representation as the prisoners furnished by Legal Aid and the same representation as furnished to the Civil Service

Association.

THE COMMISSIONER: Warden, do you have
counsel here.

A No, sir, I have not been advised regarding counsel.

THE COMMISSIONER: Do you require counsel?

A Depending, I presume that I am subject to examination
and re-examination like any other witness

THE COMMISSIONER: That's correct. Now
Warden, if you feel that you want counsel, I am certainly
prepared to give you an adjournment in order to obtain it.

A I feel that anything I have to say is quite open and honest but at the same time I feel that I should be afforded at least the same facilities as the prisoners and the other members of staff.

THE COMMISSIONER: Did you make any attempt to obtain counsel?

A No, sir, I did not because I feel that my own department is aware of the situation, that they are aware of this pending investigation. They are aware of the times but if it would inconvenience this investigation in any way I am prepared to go on at this point in time, sir, in order to facilitate the investigation and not to hamper or delay it in any way.

THE COMMISSIONER: Thank you, Warden.

A But I want my point to be made and made clear.

THE COMMISSIONER: I think you have made your point, Warden.

MR. PEACOCK:

I think, Mr. Commissioner, that the question of Warden Jackson's representation by counsel shouldn't be based on convenience. If the Warden feels that he wishes to engage counsel I think that every effort should be made to accomodate him in that regard. I might point out that I propose to have the Warden, as well as any other witnesses, subject to recall because many of them are going to be involved in the various incidents and be called back. My purpose for having Warden Jackson here and giving evidence this morning is simply on the basis that we would like to find out how the Institution is run. If the Warden feels that he should be represented, I think we should accomodate him.

THE COMMISSIONER:

I agree. Well, it's up to you, Warden.

A I will go ahead on the basis of fact this morning, the facts of the physical layout and other matters.

THE COMMISSIONER:

Perhaps we could proceed on that basis then.

MR. PEACOCK:

Fine. A plan is being offered as an exhibit. I am wondering if, for simplicity sake, we could make some arrangements to have the plan posted on the board which has been provided.

THE COMMISSIONER:

Do you have some way, Mr. McDonnell, of attaching that?

THE CLERK:

No, I have not. I didn't anticipate requiring thumbtacks.

THE COMMISSIONER: Or scotch tape?

THE CLERK: Or scotch tape.

MR. PEACOCK: Perhaps we can have Inspector Roberts make whatever arrangements with the building staff. We will proceed on the basis that it is available and we will refer to it until we get it posted. Now I think you have a photograph in front of you which shows the main entrance to the Calgary Correctional Institution, is that correct?

A That's correct.

Q Perhaps we could mark that, Mr. Commissioner.

A That is a general view of the main entrance.

EXHIBIT 4 - PHOTOGRAPH
OF MAIN ENTRANCE.

Q MR. PEACOCK: Now the second photograph is a photograph of the entrance itself?

A South entrance.

Q Of the south entrance?

A South entrance to the main hallway.

MR. PEACOCK: I see. Perhaps we could mark that as well.

EXHIBIT 5 - PHOTOGRAPH
OF SOUTH ENTRANCE TO
MAIN HALLWAY.

Q MR. PEACOCK: The third photograph, I take it, is the main entrance hall, would that be correct?

A It is what might be described as the foyer and reception area.

EXHIBIT 6 - PHOTOGRAPH
OF FOYER.

Q MR. PEACOCK: Would you describe what is set forth in the next photograph?

A The next photograph is inside the main entrance, the foyer immediately following this picture and it is a photograph to the northward side including the reception area, the mail room, an unseen grill gate to the right in this recess here, sir, and at the far end, the furthest end, the northerly point, is a staff coffee room.

EXHIBIT 7 - PHOTOGRAPH.

Q MR. PEACOCK: Now you mentioned in that photograph that there was an unseen grill gate to the right approximately halfway down the hall from where the picture is taken?

A Just about.

Q The next picture, I take it, is a picture of that grill gate? Now where does that lead?

A That leads into what one might term a main security hallway. That is the beginning of security from the main entrance and is electrically operated or manually operated if so required.

Q Is that operated from the guard room?

A From the guard room or from the reception. It is a two-fold operation.

EXHIBIT 8 - PHOTOGRAPH.

A Can I indicate on this floor plan -

MR. PEACOCK: I am going to ask you in

just a minute to show us as we are going where these pictures are on the main plan. Perhaps if you wouldn't mind, would you show the Commissioner where the main entrance is and show us the hall we just observed in the picture you just described.

A So far we have had a picture of this area, main entrance, this doorway, the reception lobby as it is described here, the hallway to the north and the grill gate or entrance of security. That covers what we have dealt with so far.

Q Thank you. Have we marked that plan as an exhibit, Mr. McDonnell?

THE CLERK: We have, sir.

THE COMMISSIONER: Three, is it, Mr. McDonnell?

THE CLERK: I believe it is three.

Q MR. PEACOCK: Now sir, the next picture, I take it, is a view of this grill gate in an open position, is that correct?

A It is a view from the grill gate in an open position. The grill gate itself is not visible here. You are now in this position inside this corridor looking in this direction.

Q Which is in an easterly direction?

A Easterly direction which shows you another set of grill gates immediately alongside of the guardroom.

MR. PEACOCK: Thank you.

THE COMMISSIONER: Nine.

Q MR. PEACOCK: Could you tell us what is represented in the next photograph that we are presenting to you?

A Well, it is shown to me here as the sick bay or a portion of the sick bay upstairs which is not shown on here but in order to get to the sick bay there is a doorway here and a stairway leading upwards at this point, still in security. This is this picture here. It is a very restricted picture of the sick bay.

MR. PEACOCK: It is a good picture of a chair. This is on the second floor, is it?

A That's on the second floor.

THE COMMISSIONER: Mr. Peacock, it seems that photograph might be out of context and out of order, isn't it?

MR. PEACOCK: I understand that the photographs were taken on the basis that these facilities would be seen as you proceed into the compound. I am not certain where we could put that photograph in any other sequence.

THE COMMISSIONER: All right. 10. Sick Bay.

EXHIBIT 10 - PHOTOGRAPH
OF SICK BAY.

Q MR. PEACOCK: Now the next photograph is the guardroom, is that correct?

A That's correct.

Q And would you show on the plan Exhibit 3 where that guardroom is located?

A Exactly here on this corridor.

MR. PEACOCK: Exhibit 11.

THE COMMISSIONER: Yes, guardroom, 11.

EXHIBIT 11 - PHOTOGRAPH
OF GUARDROOM.

A That is an internal view of the guardroom.

Q MR. PEACOCK: Now the next photograph
which is being presented is another gate. Would you tell
the Commissioner what that is, please.

A We are now in this position here. You have got a grill gate
here and a grill gate here which are interlocking gates.
When one is closed, the other is open or vice versa. You
never open both gates together for any reason and this is
the gate you are looking at here, one of the gates.

Q Now the second gate leads where?

A The second gate leads onto a corridor, one of the main
corridors of the Institution.

Q I see.

A Going north, well, north and south actually.

Q And that is the second gate we are looking at in this
photograph?

A This gate here is the one we are looking at in an open
position.

MR. PEACOCK: Fine.

THE COMMISSIONER: 12. Would that be the
inner grill gate?

A Right, sir, yes.

EXHIBIT 12 - PHOTOGRAPH
OF INNER GRILL GATE.

Q MR. PEACOCK: Could you tell us what the corridor in the next photograph represents?

A We are now at this position with this small bubble - I call it a bubble - for vision reasons so you can see down the corridor and you are actually looking in this direction in this picture.

Q You are looking south?

A You are looking in this direction, yes, towards the -
THE COMMISSIONER: East, wouldn't it be?

A Well, we call it the west wing, sir. You have got the east wing here and the west wing is here with the dining room in between.

THE COMMISSIONER: Are you looking towards the east?

A In effect, we are looking south on this position or at least we always think we are looking south.

THE COMMISSIONER: Is the plan wrong?

A Well, they call it east and west because when this was designed - they are looking eastwards on this side, looking east of the gaol and they are looking westwards from this side.

MR. PEACOCK: I think what the Commissioner is asking is north on that map is on the left-hand side?

A North is way over here. One moment, sir. I am looking at the wrong side.

THE COMMISSIONER: Isn't this north?

A Yes, that is north, yes, that's right. That is the north-

east wing, northeast and northwest. This is your cell block here.

Q MR. PEACOCK: So if we go up from that plan we are looking north?

A Yes.

Q And as a result, looking down the corridor on the picture that you have in front of you, we are looking in an easterly direction?

A You are looking actually towards what is almost the entrance to the west wing. You have got your canteen right behind here and I am looking in this direction, I am standing in the position of being outside the grill gate.

Q I appreciate that. What side of the hall are we looking at in that picture facing -

A Actually the hallway is running south. I know it is a bit confusing.

Q Which way is north on that map?

A Here is your north.

Q Does it not have an arrow pointing to the left?

A There you are. It is a matter of designation really. It may not be directionally correct but it is convenient.

MR. PEACOCK: Perhaps before we proceed - I may be the only one confused here.

THE COMMISSIONER: No, you are not.

MR. PEACOCK: Which directions are which?

THE COMMISSIONER: I think what we are going

to have to do, Mr. Peacock, is we have got that plan up there. Certainly the top is at the north, as in most maps. The bottom is south, left is west and right is east.

Q MR. PEACOCK: It would seem to me we have the east side on the top and the north side -
A Northwest. That is your cell block.

THE COMMISSIONER: We just need to turn it.

Q MR. PEACOCK: Warden Jackson, can we conclude at this stage that the plan which we have before us has the north at the top?

A North, yes.

Q Could you again point out the corridor that is in the picture that you have now?

A We are now looking at this corridor looking in this direction.

Q So we are looking in a south direction on the picture you have now?

A Right, that is exactly what I told you initially earlier on.

Q I think that's right but we now all understand it, I think. Perhaps we could mark that photograph as the next exhibit.

THE COMMISSIONER: Is that 13, Mr. Clerk?

THE CLERK: 14, sir.

THE COMMISSIONER: What is 13?

THE CLERK: I have 13 already marked.

A I will show you on the map in a moment.

MR. PEACOCK: Yes, I think Mr. McDonnell

in his exuberance has marked Exhibit 14 as Exhibit 13.

THE CLERK: No, I have 13 here in my hand.

MR. PEACOCK: And that is the one we are just looking at now. That solves our problem, it has already been marked.

THE COMMISSIONER: How are you describing that? How are you describing Exhibit 13?

A That is the corridor looking south from the guardroom.

THE COMMISSIONER: Thank you.

EXHIBIT 13 - PHOTOGRAPH
OF CORRIDOR.

A It is described here the hallway to the west wing, which
is the same thing.

Q MR. PEACOCK: The next picture is what?

A Well, there is two windows in the wall but it is a section of the corridor immediately outside the west wing entrance.

Q Are we still going down the same corridor?

A Yes, you are probably located, looking at this picture, you are located somewhere here, the entrance to the west wing.

Q So you are still proceeding south?

A That's right, when you reach this corridor, the end of the corridor, that is the mechanic room and if you turn immediately right you have got the entrance to the west wing.

Q And if you turn left?

A If you turn left you have got another grill gate which takes you towards the east wing in another direction towards the dining room.

MR. PEACOCK: That, I believe, is Exhibit 14.

EXHIBIT 14 - PHOTOGRAPH
OF CORRIDOR.

Q MR. PEACOCK: Now the next photograph is a photograph again of a doorway leading where?

A It is the doorway leading into the west wing to the immediate wing area.

Q What is that room where the two steps on the picture are leading into?

A That's the guard's cubicle as it is generally known. It is where the officer is on duty during his term of duty.

Q And the officer on duty in the cubicle oversees what from the cubicle?

A He oversees or should be able to oversee the whole of the wing immediately ahead of him on the map. This, incidentally, this maybe does not show the cubicles which are fairly recent construction. When he is in position looking over the west wing, he is out here in the front. It is marked Control Room here. This has been changed somewhat but basically it is practically the same thing.

Q And that is where the cubicle is?

A That is where it is and it is raised, on a raised dias of two steps or more and he can see pretty well the same

as I can see down here both sides of the dormitory.

Q And the dormitory in this case is the west wing?

A Is the west wing, which is an open dormitory.

MR. PEACOCK: I believe that is
Exhibit 15.

THE COMMISSIONER: Describe that as a guard's
cubicle overseeing west wing?

A Right.

EXHIBIT 15 - PHOTOGRAPH
OF CUBICLE.

Q MR. PEACOCK: Warden Jackson, the next
picture that we have presented is a picture of what?

A Well, it is a section of the west wing. It is exactly
what the guard in the cubicle would see when he looks
down. He is looking to one side of the wing. The wing
is divided by a center wall into what we call the east
and the west sides but both sides are equally visible.

Q And this is the east side of the west wing?

A That's correct.

MR. PEACOCK: All right. Exhibit 16.

EXHIBIT 16 - PHOTOGRAPH
OF WEST WING.

A You can show them both together. You have got a composite
of the wing.

Q MR. PEACOCK: The next picture, I take it,
is the picture of the west side of the wing?

A That's correct.

Q And does that picture also show the view that the guard on duty would see from the cubicle we have described?

A Exactly.

THE COMMISSIONER: Before we leave those exhibits, how many beds on each side of the wing?

A Well, we have a total of about 90 beds in that dormitory, depending on population, but we are down to as little as 48 or 50 men in that wing, depending on our intake from the courts and such like.

MR. PEACOCK: Exhibit 17.

THE COMMISSIONER: I take it those photographs were taken in daylight, were they?

A I believe so. I believe so. The photographer was out recently in the daytime.

EXHIBIT 17 - PHOTOGRAPH
OF WEST SIDE OF WEST
WING.

Q MR. PEACOCK: It is my understanding they were but we can call the photographer.

A I believe they were all taken in the daytime from what I recall.

Q Now the next photograph is a photograph -

THE COMMISSIONER: Again just before we leave that, I take it his visibility would have been considerably restricted at night?

A Well, up to lights out, up to ten o'clock, it is fairly brilliantly lit but after that you have got a night light situation only which does restrict your vision to some

degree.

Q MR. PEACOCK: Now the next photograph, Warden Jackson, is what?

A Well, it is standing in the west wing facing the guard's cubicle and facing the exit to the west wing and a portion of it shows the cubicle occupied by the guard.

Q That is the closed-in glass?

A The closed-in area here. The grill gates closed and are supposed to be kept closed.

Q Does that grill gate lead out of the west wing?

A That grill gate lets you out into a small hallway which lets you out through the main door.

MR. PEACOCK: Fine. Exhibit 18.

EXHIBIT 18 - GUARD'S
CUBICLE.

Q MR. PEACOCK: The next photograph is a photograph of what?

A Well, it's taken from the west wing looking back towards the guardroom, looking northwards.

Q So this is looking back down the hallway we have come down to get where we are?

A That's correct, you are looking from this direction to here.

MR. PEACOCK: Fine. Exhibit 19.

EXHIBIT 19 - PHOTOGRAPH
OF HALLWAY.

Q MR. PEACOCK: Could you tell us what the next photograph is a photograph of?

A Well, this is taken from the cell block looking past the gymnasium, looking past the barber shop, looking past the shoe shop down towards the cell block.

Q Would you show us on the plan where this corridor is?

A Just a moment, please. I have got to find this one. Hallway from the cell block looking towards the north wing. Now you have got your cell block here and you have got your north wing here so you are looking from the cell block to the north wing this way.

Q So that picture would be a picture facing, with the photographer facing east, is that correct?

A Yes. Just hold it a moment, sir. I am not too sure he has got all the correct pictures here. I think he has got the description wrong on the back of this. I think the description is not correct. Can I -

Q Aside from what the notation says, are you able to recognize the hallway in the photograph?

A I recognize the control cubicle on the corner of the corridor between the north wing and the cell block.

Q Does it assist us, Warden Jackson, if you observe the barber pole on the wall?

A Yes, if I can see it. I don't see it here.

Q Perhaps I am supposing that that is what it is.

A There should be a little sign outside.

Q Is that a barber pole?

A Yes, that's it, yes.

Q Now on the basis that that is a barber pole on the wall,

can you tell us -

A Yes, it is from the cell block looking towards the north wing. You have got the barber shop, the shoe shop, the gymnasium, all located on that corridor.

Q Where are they on the plan?

A The barber shop, shoe shop, gymnasium.

Q So we are looking in that photograph to the west, not to the east?

THE COMMISSIONER: That's right.

A Yes.

MR. PEACOCK: Exhibit 20.

THE COMMISSIONER: 20.

EXHIBIT 20 - PHOTOGRAPH
OF CORRIDOR.

Q MR. PEACOCK: Now the next photograph is a photograph of another set of gates, is that correct?

A Yes, entrance to the cell block.

Q Could you show us where they are located on the plan Exhibit 3?

A Yes, the cell block is here. You have got a set of gates here and you have got a set of gates across here.

Q And I take it that we are looking at that area in this next photograph?

A In that immediate area here you are looking at the cell block entrance. There is also a set of gates right there which are not shown on here.

MR. PEACOCK: Exhibit 21, please.

THE COMMISSIONER: Gate to the north cell block?

A Yes. Here and here and here.

EXHIBIT 21 - PHOTOGRAPH
OF GATE TO THE NORTH
CELL BLOCK.

Q MR. PEACOCK: The next photograph is
a photograph of a set of stairs. Could you tell us
where those stairs are on the plan?

A Yes, they are inside the cell block and down. You have
got a down-set and an up-set.

Q So these are stairs going down into the cell block?

A That's right.

Q Does the cell block have two levels?

A You have got three levels actually. You have got the
"C" range which is ground floor level, "B" range which
is the middle and "A" range which is the top.

Q Are these stairs leading to the "C" range?

A No, these are going down to "C" range and what is known
as segregation. They lead to either place.

Q And they are where on the plan again? Exhibit 22, please.

EXHIBIT 22 - PHOTOGRAPH
OF STAIRS.

Q MR. PEACOCK: Now the next photograph
is a photograph of what, Warden Jackson?

A It is what is known as Segregation Cells. I don't know
how to term this. Perhaps that is the best way.

Q And these are at the bottom of the stairs?

A They are at the bottom, at the top of the stairs here.
You turn in and you have got a small corridor. There is

a washing area immediately outside. Then you have got the Segregation Cells on the right-hand side. The other side is never used. It is used for storage. It used to be known in the old days as the hole where there was nothing but a bare floor.

Q So all you use in this area are the rooms on the right-hand side of this photograph?

A That's correct, and each of them has a grill through which an inmate or the prisoner in detention can be seen at regular intervals.

MR. PEACOCK: Exhibit 23, please.

THE COMMISSIONER: Segregation cell. It is the corridor leading to the Segregation Cell?

A Right.

EXHIBIT 23 - CORRIDOR
LEADING TO SEGREGATION
CELL.

Q MR. PEACOCK: Could you tell us what the next photograph depicts?

A This is described as Women's Segregation Cells and perhaps for the benefit of the Commissioner and others, this was the name that was applied when they first built those cells. The intention was then to bring in women remands into the gaol. We have never had that privilege.

Q What are they used for?

A They are used for men but for some reason, they are still called the Women's Cells.

Q Where are they located?

A They are located under the guardroom. These are right under the guardroom. I am lost again. Public Library. They are located right under the guard room here.

Q Downstairs?

A Downstairs.

Q And these are a cell block themselves, are they?

A It is a separate cell block, yes. The people generally maintained in there are people for their own protection or who have asked for protection by reason of the nature of their charges or/and occasionally people that are unmanageable in other areas.

MR. PEACOCK: All right.

THE COMMISSIONER: By protection you mean protection from other inmates?

A From other prisoners, sir, yes.

MR. PEACOCK: Could we have that Exhibit 24, please.

EXHIBIT 24 - PHOTOGRAPH
OF WOMEN'S SEGREGATION
CELLS.

Q MR. PEACOCK Where is the stairway that leads down to the women's cells or the cells designated as Women's Cells?

A They are directly opposite the guardroom going down. Then if you go through the grill gates that I showed you earlier and turned to the right by the canteen, there is another grill gate. I don't think they are marked on here

very clearly but if I can show you where the guardroom is. There is your guardroom. There is your canteen and here is the entrance and downstairs and the other one is over here. There is an entrance here right outside this gate and down.

Q Thank you. The next photograph, Warden Jackson, is a photograph of what?

A The hallway of the Women's Segregation. I guess we are still in the same area which I have generally described.

Q This just continues on from the last exhibit?

A Pardon?

Q This is just a continuation of the view from Exhibit 24?

A Yes, right.

MR. PEACOCK: Perhaps that could be marked.

THE COMMISSIONER: It is known as Women's Segregation Cells?

A No, sir, we use them for segregation purposes. They were originally known as Women's Cells because they were designated originally for the purpose of holding women on remand.

THE COMMISSIONER: Are they below ground level?

A Well, partly. There are windows.

THE COMMISSIONER: But up near the top?

A Up near the top, that's right.

MR. PEACOCK: Exhibit 25.

THE COMMISSIONER: 25 is what, Mr. Clerk?

THE CLERK: That will be 26 up there.

This is 25 now.

THE COMMISSIONER: 25 is what?

THE CLERK: The hallway of Women's Segregation Cells.

THE COMMISSIONER: Hallway of Women's Cells?

THE CLERK: That's right.

EXHIBIT 25 - HALLWAY OF
WOMEN'S CELLS.

Q MR. PEACOCK: The next photograph, Warden Jackson, are we still in the same area?

A Women's Segregation Cells on the left side it says.

Q And can you -

A I don't have a basic pattern down below here.

Q Can you advise us where these are in relation to the last photograph?

A They are all in the same area immediately below the guardroom.

Q And these cells shown in the photograph we are just about to have marked are the same cells depicted in Exhibit 25 which we have just marked?

A May I see 25, please? They are in the same area. I don't know if they are the same cells. Perhaps I should show the Commissioner what happened here originally. You will note there is W-9 and that was the original intention.

THE COMMISSIONER: Yes, I see.

EXHIBIT 26 - PHOTOGRAPH
WOMEN'S SEGREGATION CELLS.

Q MR. PEACOCK: And the last photograph, Warden Jackson, is the photograph of what?

A Well, this is described as the Men's Segregation Cells.

Q Is this in another area?

A Well, it is divided into two by a solid wall. There is a solid wall between what was originally designed for the women and designed for men.

Q Could you show us where these are on the plan?

A I can't because I have got no basic control plan of the area.

Q Are we still below the guardroom?

A We are still below the guardroom in the general area below the guardroom.

Q Where are the stairs that lead to these cells? In the same area?

A Exactly here you are right opposite here on the one side and I am looking for the canteen and down here on the other side.

Q All right, so these are still in the same area under the guardroom?

A Same general area.

MR. PEACOCK: All right. Exhibit 27, please. Now just for some general -

THE COMMISSIONER: Before we leave that, Mr. Peacock, where does 27 compare with Exhibit 23?

A May I look at those again, sir?

THE COMMISSIONER: Yes, 23 was the first shot

of the Segregation Cells?

A The Segregation Cells that we are talking about here, sir, are those immediately below the cell block.

THE COMMISSIONER: That's Exhibit 23.

A That's right.

THE COMMISSIONER: So when you talk about these others -

A This is a separate area.

THE COMMISSIONER: Another area?

A That's right, sir.

THE COMMISSIONER: So we have two areas of segregation cells?

A That's right.

EXHIBIT 27 - PHOTOGRAPH
OF MEN'S SEGREGATION
CELLS.

A If I may explain, the people who generally find themselves in this area are people who are on charge and awaiting disposal on disciplinary -

THE COMMISSIONER: Internal disciplinary?

A That's right, yes, if a man violates seriously or hits another prisoner or something of this kind that he has to be detained until he is dealt with by a Warden's Court.

Q MR. PEACOCK: What cells are those?

A They are called by, in general parlance, meditation cells but the prisoners refer to them as "The Hole".

Q Are we talking about the Women's Segregation?

A No, no, the general segregation under the main cell block.

Q All right. Now Warden Jackson, we have got some idea of the layout here and I am wondering if I could have you refer to the plan again and have you answer a few general questions.

A Yes.

Q The main corridor which comes past the guardroom running in a south direction -

A Yes. This one.

Q I am sorry, running, yes, in a south direction.

A Yes.

Q Now that, I believe you have indicated, leads down towards the west wing?

A That's correct.

Q You are pointing now to the entrance to the west wing?

A The control room.

Q The cubicle now -

A Right there.

Q And then we look south into the west wing and I think you have indicated as well that there are provisions of approximately 90 beds in the west wing?

A When we are full, yes.

Q What is the area immediately to the right of that area?

A Here?

Q Yes.

A An exercise yard.

Q And immediately right?

A Dining room and kitchen.

Q And then to the right of that?

A Exercise yard.

Q And then?

A Another dormitory area, the west wing.

Q That's the east wing?

A The east wing, sorry.

Q Now if we proceed north from the east wing, could you just point out what we have going in a northerly direction?

A You have got some storage, prisoner's effects, you have the laundry, the boiler room, the corridor into the cell block. That's when you turn the corner. There is a set of gates here, by the way, which are not indicated on here.

Q Right.

A And if you go along this corridor you can be seen from this post here. That is a manned post and from this post those gates are opened. You can then proceed along to what used to be general storage, it is general storage and discharge and admission centre here, personal clothing issues and the boiler room which belongs to D.P.W. and our laundry area, which again is a little out of context because that area has been enlarged and now at the back of this area there is a kind of large store, warehouse arrangement but the general usage is the same.

Q Now at the top on your right-hand side is the cell block which you have described?

A Right here.

Q And that is set up on the basis of three floors?

A Right.

Q And the segregation cells are down below on the "C" Level?

A Yes.

THE COMMISSIONER: To help me, when you talk about segregation cells, are you talking about Exhibit 27?

A I am talking about those cells where men are held awaiting disposal by Warden's Court.

THE COMMISSIONER: That would be Exhibit 23. Let's make that clear.

A Yes, that's the one with those doors on to look through.

THE COMMISSIONER: That's Exhibit 27.

A Yes.

MR. PEACOCK: Now if we proceed from there -

THE COMMISSIONER: And then just show me where Exhibit 27 is and then I am clear.

A In this area.

THE COMMISSIONER: Exhibit 27 is down below there?

A Right below the guardroom.

Q MR. PEACOCK: And Exhibit 27 are cells which are adjoining separated by a wall -

A That's right.

Q Designated as the Women's Segregation or Women's Cells?

A Right.

Q And that whole area below the guardroom is used as a segregation unit, is it?

A When required, when necessary. We don't like using it but we have to use it for various reasons.

Q We will get into that in a minute. Now from the cell block proceeding in a westerly direction -

A Yes.

Q What is the next area there?

A In this area?

Q Yes.

A You now have the cell block exercise yard with an entrance here right from the block itself. You proceed along the corridor to the gymnasium and further along the corridor you are looking out into another exercise yard for the north wing.

Q What is the north wing?

A The north wing consists of six dormitories of anywhere from 14 to 16 men in each although there is one very small one which is only room for six. We could house, say, 80 people in there.

Q And is there a cubicle overseeing that?

A Yes, there is a control cubicle right here in the end of the corridor. This is one of your problem areas for the simple reason that the officer in here - there are three dormitories on either side and for visual control it is extremely difficult as any officer will tell you who has worked in there.

Q Are these divided by full-length walls to the ceiling?

A Yes, with a kind of a grill in each dormitory through which you can look as you walk along. I understand that we are in the process of putting in TV in either, in all of these dormitories with a monitoring system in the control room.

Q The guard in the cubicle there -

A Yes.

Q - looks into a general area?

A Looking down that corridor there he can see out through these entrance doors here. You have got showers here.

Q You have indicated there is three separate dormitories on each side?

A Right.

Q How does the guard in the cubicle observe the prisoners in the far end?

A One of the officers, and I am speaking theoretically now because this is what they are supposed to do, one officer should be fairly well constantly on that corridor.

THE COMMISSIONER: On, you might say, patrol?

A Yes, and they take it in turn. If there is any noise or any indication then he will go along and check each of the dormitories and that's done fairly regularly.

Q MR. PEACOCK: All right, fine, thank you. Now I think what I would like to do is ask you to go through these areas and advise us of what is the general purpose at the present time for each area.

A Well -

Q I am going to ask you to start, if we may -

A Yes.

Q If we may, we will start first of all at the guardroom.

A Well, your guardroom is your main control point for the whole Institution. All movement of prisoners for any reason should be notified through the control room. If I want to see a prisoner personally, I call the guardroom and name the prisoner that I want to see so that they have control of movement and also in here there is a bank of TV monitors linked up to most of the housing areas.

Q And is this area housing staff at all times who are on duty?

A It is manned 24 hours a day.

Q And how many people do you have in the guardroom?

A Generally you have a Senior Correction Officer who is known as a Correction Officer 3 and Correction Officer 2, which is next in line and at least one Correction Officer 1 and generally two because of telephones, movement, and also the control for some of the gates are operated from in here with the electrical control.

Q I would like to interrupt for a minute, perhaps we should just for clarification go through describing what these various officers are. I believe your position is Chief Correction Officer?

A Chief Executive Officer.

Q Who is below you next in command?

A Well, he is known as the Deputy Warden. I suppose he would be the Assistant Executive Officer.

Q And who is that?

A Mr. Stanton, A.C. Stanton.

Q And then if you could follow down in the chain of command, who would follow?

A Then you have got four Assistant Deputy Wardens who are in what one might term in the management group, Mr. Schlegel, John Schlegel, Merriam, Elliot and McMeekin.

Q They are the four Assistant Deputies?

A They are the four Assistant Deputies. Then immediately following that you have a number of C.O.3s.

Q That is Correction Officer 3?

A 3. That's where your line control begins.

Q Are these gentlemen Senior Correctional Officers?

A That's correct, and generally in charge of the shift operation.

Q And then below them you have?

A Correction Officers 2 and Correction Officers 1 on each shift.

Q Now you have indicated that each shift would be overseen by a Correction Officer 3?

A Right.

Q The Correction Officers 2 perform what function?

A Well, their function would be to go out and make rounds throughout the Institution in the course of an evening or in the course of a day, visit the various people at their post, either the east wing, the north wing or the cell block. They are more or less like a patrol sergeant who goes out and inspects the posts and sees that the men are at their posts and that the job is being done.

Q The men who are at their posts would likely be Correction Officers 1?

A Generally.

Q Who, for instance, if we go back to the north wing, what position would the person hold who would be in charge of the cubicle there?

A He would be probab ly a fairly Senior Correction Officer 1, a man of long experience and he may have with him a comparatively junior man learning, not necessary, but this can happen. We generally attach a new man to a more experienced man.

Q So he can learn?

A For training purposes. This is part of the basic training program. They are supposed to do two months under supervision.

Q If we go down to the west wing for a minute, would the same level of experience be required?

A As a rule, yes.

Q By the person looking after the cubicle?

A Yes, as a rule.

Q And these are usually senior correction officers?

A Men of fair experience, yes.

Q Correction Officers 1.

A Correction Officers 1, yes.

Q And the Correction Officer 2 is the gentleman who, in essence, patrols?

A That's correct.

Q Back to the guardroom for a minute, would you repeat to the Commissioner who in general on a shift is involved in guardroom activities?

A Your Correction Officer 3, Correction Officer 2 and at least one and generally two Correction Officers 1.

Q And they have a TV Monitoring System?

A Correct.

Q And do these TV cameras stay on at all times?

A Yes.

Q And where are they located on the plan?

A The monitors or the cameras?

Q The cameras.

A Well, you have got cameras in the west wing. You have got cameras in the east. You have got a camera in the gymnasium. You have got a camera in the dining room. You have got a camera on the main entrance hall, here, and you have got a camera right inside here.

Q Do you have a camera on the north wing?

A There is a camera on the north wing but it doesn't show you very much because of the restrictions.

Q But you do have a camera on the cell block as well?

A On each of the ranges.

Q And you have a camera -

A There are six cameras up there because you have got six ranges. Each floor has two ranges so you have got a camera on each and the officer in the cell block also has a monitor in his little cubicle.

Q And all of these are monitored into the guardroom?

A Into the main guardroom.

Q Well, I think you have told us that each of the cubicles in the east wing, the west wing and the north wing would usually be manned by people designated as Correction Officers 1?

A That's right.

THE COMMISSIONER: Two questions, Warden.

A Sir?

THE COMMISSIONER: There is a camera on the southwest, is there? ..

A Oh, yes, yes.

THE COMMISSIONER: And would there be any particular designation for the four Assistant Deputy Wardens?

A We generally arrange that there is an Assistant Deputy Warden in charge of the evening shift up to ten o'clock or midnight, depending on availability, holidays, sickness. Occasionally we may have to rely on a C.O. 3. He is generally a man of 10, 15 years experience but the normal thing is that there is a senior officer on duty, and the weekends, we cover all the weekends as well.

THE COMMISSIONER: He would either be an Assistant Deputy Warden or a Correction Officer 3?

A That's right, sir, but in the main the Assistant Deputy Warden is in charge of the overall operation but the Correction Officer 3 is the man, if you will, doing the legwork and looking after the shift and taking any messages. Then if he runs into a problem or runs into any difficulty, theoretically he should consult with the Assistant Deputy Warden.

MR. PEACOCK: I wonder if we should adjourn for 5 minutes.

THE COMMISSIONER: Yes. Fine, we will adjourn for 15 minutes.

(Hearing adjourned for 15 minutes).

MR. PEACOCK: Perhaps for the benefit of those here we should advise our schedule for this week. We propose to proceed this afternoon and we will adjourn

now, at least this afternoon, until two o'clock on Wednesday afternoon. We will proceed Wednesday afternoon and all day Thursday and all day Friday. We propose then to adjourn and reconvene hopefully for four days on the week of October 29th.

THE COMMISSIONER: You have made arrangements with the authorities here, have you, Mr. Peacock?

MR. PEACOCK: I made arrangements with the authorities for the 15th of October, which apparently is not now available due to the fact counsel can't be here and accordingly, I have endeavoured to make arrangements for the 29th. They haven't been confirmed. All I can do is hope to have them confirmed and we can advise of the proposed date for adjournment on, hopefully, the 29th and I would think by our reconvening time of Wednesday at two o'clock we should have a good idea exactly what dates and times we will be finished. I might advise as well that in view of the number of witnesses we have presently scheduled, we may not finish in the second four days. As I have told you when we first convened, the first incident which apparently gave rise to the Inquiry itself is the July 17th incident and we have some 40 witnesses scheduled on that incident alone. Many of the witnesses who are subpoenaed and scheduled to come for the July 17th incident will also be back again with respect to the other ones. As far as Warden Jackson is concerned, in view of his discussions today

about not having counsel at this time, I propose and I believe all counsel have agreed we will restrict any questioning of Warden Jackson simply to the factual running of the Institution. Any questions as to his observations or opinions will be delayed until he does have whatever representation he wishes and that will probably involve his having to come back at the end of the Inquiry.

THE COMMISSIONER: That may be resolved, Mr. Peacock. I believe he will have counsel here at two o'clock.

MR. PEACOCK: Oh, that's fine. I think in view of the fact that we are scheduled to proceed with Warden Jackson this morning, we can proceed on the basis that we are going to ask strictly factual questions concerning layout and running of the Institution.

THE COMMISSIONER: Until his counsel arrives.

THE CLERK: Would that mean the week of the 15th is out then?

MR. PEACOCK; The week of the 15th is out now. The reconvening date is scheduled tentatively for approximately the 29th of October. If Warden Jackson is off the telephone, I wish to have him recalled.

(Witness is recalled to the stand).

FURTHER EXAMINATION BY MR. PEACOCK: ..

Q Warden Jackson, I wish to proceed now to ask that you describe in answer to some questions the general operation

of the Institution itself. I believe you have indicated to us that the guardroom is the essential point from which all operations can be overseen and governed, is that correct?

A That's correct.

Q And as well, this guardroom is in almost all cases overseen by a Correction Officer 3?

A Correct.

Q He has under him Correction Officers 2, who in essence patrol the Institution, and Correction Officers 1, who under the Correction Officers 2 man certain stations and have certain functions?

A Correct.

Q Now how many shifts do the employees of the Institution run on generally?

A The custodial staff run on three shifts daily, seven days a week.

Q What are those shifts?

A Eight to 4:15 with a break for lunch and with two rest periods, by agreement under labour relations, from four to midnight and from midnight to 8:00 A.M.

Q And each shift is composed of different personnel?

A In the main, yes.

Q Could you tell me how many custodial staff would there be on the average of each shift?

A Well, your day shift will include more because there is is more activity. There are escorts to be provided to town

to doctors' offices, to hospitals and other places so we are working with probably 18, 20 men on the average a day shift.

Q And how about the other shift?

A The evening shift probably 16 if all are there and they are not always all there. I am speaking physically, for reasons of sickness and leave and other things that happen, unforeseen events, but an average of 14 and your midnight shift, which is known as the graveyard shift generally 12 to 14 men so that there is no movement at night time. There theoretically there is no movement until breakfast time in the morning.

Q That last shift, the midnight or graveyard shift, what time do they come on?

A They come on at midnight. They parade usually 10 minutes to the hour and their duties are outlined then by the senior officer and their postings are given at that point by the senior officers.

Q The senior officer would be the C.O.3?

A The C.O.2 or the C.O.3.

Q Just to digress for a minute, there is also a medical staff, is there?

A Yes.

Q What medical staff is there?

A You have a nurse, registered nurse in residence and an orderly.

Q Now the registered nurse is there every day?

A She is there five days a week.

Q And she is on, as you say, full-time?

A Yes.

Q In a residence at the institution?

A And very often on call in the evenings. If she is at home, she is on call or she leaves us an address or phone number that we can get her in the event of an accident or any other unforeseen event.

Q If an inmate is sick and wishes medical attention, does he make a request through channels?

A Daily the sick call is made. The sick parade is called for every morning and we call for the names. There is a special sheet for it, for sick reports and every man's name requiring or requesting to see the doctor is put on that. Very often the man wants to see the doctor and it may be a comparatively minor thing the nurse can deal with, a bandage or changing a bandage or a cold or something of that kind.

Q So a sick call is put out and anybody wishing medical attention goes on the list?

A That's right.

Q And this list is kept by the nurse?

A She keeps a list and also a record of every man who has had medical attention.

Q Who is the registered nurse at this time?

A Mrs. Turner.

Q Do you know how long she has been there?

A I am guessing now. She has been with us at least five years.

Q Now you have indicated that if necessary the people requesting medical attention will be referred to a doctor, is that correct?

A Right.

Q Is the doctor on staff?

A The doctor is on a retainer three days a week, three mornings a week.

Q Does he come out to the institution?

A He comes out to the institution whatever time it may be, nine o'clock, ten o'clock, and he will see whoever has to be seen, prescribe, or if further examination is required at a medical laboratory in town, that is arranged, or if a man is admitted to the institution infirmary that will be arranged or to a hospital in town or referrals will be made to the psychiatrist by him or by any other senior member of staff who think a man requires it.

Q Now any inmate who requests or obtains medical attention -

A Hmm hmm.

Q His name and the nature of his medical attention will be noted in the nurse's book?

A Correct.

Q Now I gather, sir, that you have obtained your appointment and you are officially appointed to your position under the terms of the Corrections Act, is that correct?

A Yes.

Q And the duties of yourself and all other people involved

in the Institution are set out in the regulations under the Corrections Act?

A That's correct.

Q Are those regulations posted in any fashion in the Institution?

A There is a copy in the guardroom. We have copies of them all over the place and then we make extracts of portions that are relevant to the inmate or inmate population. This is done but unfortunately, and I say this here and now, we post things for inmates to read which are never read or they are defaced or they are pulled down.

Q The general regulations themselves under the terms of the Corrections Act, are they the entire rules and regulations or do you make rules and regulations aside or in addition to those?

A No, we work on what I might term the ad hoc situation from day-to-day to meet general requirements. The Corrections Act gives us general coverage as to what our duties are, what our responsibilities are but then when it comes to day-to-day operations each in conclusion will have its own variations depending on its needs and incidents or conditions.

Q Now are those regulations passed by you or is there a committee or how are they established?

A We generally, either done by consultation, I get together with the senior men or we will discuss it with the C.O.3s or C.O.2s and somebody comes up with the idea that perhaps

something should be published for the guidance of either staff or inmate population.

Q I gather, for instance, as an example, the question of the hours for meals wouldn't be in the regulations of the Corrections Act?

A No, no, we set those.

Q That would be something set up by you in consultation with those who have control?

A And with the kitchen.

Q And when you set up these regulations on your own, do you have any compiled volume of these regulations?

A Yes, and each wing has its own set of guidelines, if you will, call them regulations if you will, and they are available but I will have to call Stanton in because he has got them all compiled and got them already here and he can put them up for the examination of the Commissioner any time.

MR. PEACOCK: Perhaps we could do that now.

A May I have Stanton in? He knows where these all are, he compiled them.

MR. PEACOCK: I can leave that with the Commissioner.

THE COMMISSIONER: Mr. Peacock, you conduct this report to this Inquiry the way you see fit. If you feel it is of assistance to this Inquiry at this time to call Deputy Warden Stanton to have these regulations

put before us, I will be quite happy.

MR. PEACOCK: Perhaps we could ask you to step down, Warden. We will call Deputy Warden Stanton for that purpose.

DEPUTY WARDEN ALFRED CLARENCE

STANTON, having first been duly sworn, examined by Mr. Peacock,
testified as follows:

Q Sir, your full name is what?

A Alfred Clarence Stanton.

Q And what is your position, sir? What is your occupation?

A Deputy Warden Calgary Correctional Institution.

Q And you have been in that position for how long?

A Since the 1st of June 1966 as Deputy Warden and from the
15th of April 1965 as Acting Deputy Warden.

Q Now sir, we have just heard testimony with respect to rules and regulations governing the operation of the Calgary Correctional Institution. You are aware that the Provincial Government has passed regulations under the Corrections Act governing the daily operation of correctional institutions in general?

A Yes, sir.

Q And you also can assist us by confirming that in addition to those regulations there are certain regulations on an ad hoc basis made in the institutions themselves?

A That's correct.

Q Now does your office or does the Calgary Correctional Institution have any compilation of these day-to-day

regulations we have just discussed?

A Yes.

Q Do you have a copy of this compilation with you?

A Yes. You don't want the Corrections Act? You want the internal?

Q I want the internal ones at the present time.

A Is this for the entire Institution? They are broken down in segments, into areas.

Q Could you tell us what areas they are broken down into?

A The guardroom, areas for the guardroom, each wing and the cell block.

Q And each of these areas, I take it, have regulations governing how the operations in each area are to proceed?

A That's correct.

Q Is that folder that you have in your hand, is that a complete compilation of the regulations used to govern the Calgary Correctional Institution?

A Yes, sir. Sorry, this one is.

Q Okay. And those are a compilation of all of the regulations passed at the Institution itself?

A That's correct.

MR. PEACOCK: Perhaps we could mark that as an exhibit.

THE COMMISSIONER: I take it you have extra copies?

A Yes, I have, Commissioner.

MR. PEACOCK: I believe that's Exhibit 28.

THE COMMISSIONER:

28.

EXHIBIT 28 - REGULATIONS.

Q MR. PEACOCK: Sir, you have indicated that over and above these regulations are the general regulations passed under the terms of the Corrections Act?

A Yes.

Q Do you have a copy of those regulations in your possession?

A I do, sir.

MR. PEACOCK: Could we have a copy of those regulations marked as well, please.

THE CLERK:

29.

EXHIBIT 29 - REGULATIONS.

Q MR. PEACOCK: Perhaps could we provide copies of at least Exhibits 28 and 29? Could you give those to the Commissioner, please. Now sir, aside from the regulations contained in those two exhibits that you presented, are there any other regulations which are published which would not be included in those?

A Possibly something very minor. By that I would say they would request - I am speaking of the inmates would probably request a late television show at night. We would just put a directive out that they would be allowed that for, say, this week and then it would be torn up.

Q So the only records or regulations other than those in Exhibits 28 and 29 would be regulations dealing with one particular incident at a time?

A This is correct.

Q And the documents contained in Exhibits 28 and 29, are these contained in your office or the Warden's office or where are they filed?

A They are filed in my office.

Q Now are there any other copies of those regulations distributed as a booklet or compiled form to other portions of the Institution?

A In Exhibit 28 they are in each wing of the Institution.

Q And for instance, if we were talking -

A Pertaining to that particular wing.

Q So that you have indicated that there are regulations there dealing, for instance, with the governing of the west wing?

A That's correct.

Q Now a copy of those regulations would be contained at the west wing?

A In the west wing.

Q Would they be in the guard's cubicle there?

A That's correct.

Q Now with respect to these regulations as set out in Exhibit 28, how do they come into being? Who makes the regulations and how are they passed?

A These were made up years ago when the Institution first commenced. They have been added to, revised and these are 1970's made up by the Warden, the Deputy Warden, and other senior officers.

Q Now when a particular regulation is passed, I believe it has been indicated that these regulations would be passed by the Warden in consultation with those who have knowledge of the particular area we are dealing with?

A We use the word routines rather than regulations, the routine of the Institution.

Q So when we are talking about Exhibit 28, we are talking about a compilation of routines?

A That's correct.

Q Exhibit 29 are the general regulations passed by the Provincial Government governing institutions in general?

A That's correct.

Q When one of these routines is made into an Order through the Warden's Office, is it then compiled in its position in Exhibit 28?

A 28.

Q And how are these new orders made known to the staff and the inmates at the Institution?

A The new one would come out in memo form to be posted in the cubicle of the wing concerned and if it deals with the entire Institution, then it would go to each officer's cubicle in the post.

Q Are these routines or regulations posted in such a manner that they are accessible, that the inmates have access to them?

A No, sir, not pertaining to the actual routines. It would

be posted in the officer's cubicle.

Q And this would be for the guidance of the officer?

A That's correct, for him for the guidance of the operation of the wing concerned.

Q Well, let me just use an example, if there was a directive made as to the use of facilities, for instance, television or radio facilities, and hours set out for those facilities, how would the inmate population of the Institution be made aware of what those regulations or rules are?

A The officer in charge would tell them, the officer in charge of the wing.

Q So you have no set pattern of communicating new orders to the inmates themselves?

A No, I wouldn't say there was.

MR. PEACOCK: I think, Mr. Commissioner, at this stage I would like to excuse Mr. Stanton and proceed on with the testimony of Warden Jackson and ask that you make yourself available for subsequent recall.

A Thank you.

MR. PEACOCK: Thank you.

(Witness retires).

WARDEN JAMES FRANCIS JACKSON,

still under his former oath, having been recalled, testified as follows:

FURTHER EXAMINATION BY MR. PEACOCK:

Q Warden Jackson, I am going to ask you to look at two bundles of documents, the first is Exhibit 28. Can you

identify that as the compilation of routines and orders and regulations passed through your office with respect to the general running of the Calgary Correctional Institution?

A These are the general regulations passed by Order in Council.

Q Have we got Exhibit 28 or Exhibit 29?

A 29 I am looking at.

Q All right, you have identified Exhibit 29 as the General Regulations passed by Order in Council?

A Right.

Q And that governs the running -

A The general operation.

Q Of correctional institutions in general?

A Right.

Q Now Exhibit 28 which you now have in your possession is a compilation of regulations passed within your Institution itself, is that correct?

A That's correct.

Q And you recognize that as a compilation of those routines?

A Routine for each of the wings.

Q And are those regulations for the benefit of ourselves divided into operations of each individual wing?

A Right, they are all made as such, guardroom, daily routine twelve midnight until 8:00 A.M. shift, as an example.

I will quote one or two, if I may. The guard room daily routine 8:00A.M. to 4:30 P.M. That's the second one. And

the third one, well, it should be 4:00 P.M. to midnight. Those are the general orders to the officers in charge of the guard room and then this is followed up by different rules and regulations with innovations, e.g., control of day parolees, clothing, searching and so on or day parolees going to or coming from day parole, temporary absences, people going on temporary absences. These are comparatively new things within our system so we have to devise new rules to cover these changing situations. The same thing applies to the wings, sir. Do you want me to go through all these?

Q I don't think we need that now.

A They are all individual routines for individual errands.

Q If something comes up in the Institution with respect to what should be done in a particular situation, I gather that hopefully the answer could be found in either the regulations passed by Order in Council or those regulations in Exhibit 28?

A Not necessarily.

Q What other regulations would govern?

A These again are general regulations for the routine operation of any particular section but if anything unforeseen or unusual occurs, and it can occur in these institutions, then we may have to make an ad hoc decision right now.

Q I would gather that your ad hoc decision would be based on the fact that the particular situation in question isn't covered in the regulations?

A That's right.

Q Now if such a situation should theoretically arise in the Institution, what is the procedure for dealing with it?

A The procedure then would be that the senior man on duty, if it is an incident in which he feels comfortable, if you will, that he can handle it, he will deal with it. If it is something that he considers requires further information, he will go to the Assistant Deputy Warden on duty or they will telephone the Deputy Warden or myself at home and that generally includes some major thing that is occurring or something out of the - very well out of the ordinary.

Q And that would occur if a situation came where a correction officer had to make a decision and the regulations didn't cover the decision, is that correct?

A That's correct.

Q Now Warden Jackson, if an inmate or inmates themselves wished to launch a complaint about some facet of their confinement, could you tell us what you have set up at the Calgary Correctional Institution to take care of these complaints and how they are dealt with?

A Depends on the nature of the complaint, Mr. Peacock. Some complaints are minor complaints which can be dealt with by the officer in charge of the shift or by the senior officer on duty. If it is a general complaint regarding, we will say, food or general conditions of

some kind, then this would be brought to my attention.

Q Who would be the person responsible for deciding whether the complaint was a major or a minor complaint?

A The person who first receives it.

Q So that could conceivably -

A That complaint - may I interrupt you?

Q Certainly.

A That complaint may well come through to me directly in letter form from the individual if he so wishes and the inmate can request interviews with any senior officer of the Institution on institution problems or personal problems or whatever they may be.

Q I take it -

THE COMMISSIONER: Mr. Peacock, I just notice Mr. Michael Robison. I believe he is counsel for Warden Jackson. I would ask that a chair be brought forward.

MR. PEACOCK: Perhaps for the edification of Mr. Robison, we have been proceeding this morning, Mr. Robison, with a general outline of the physical structure and now the general rules and regulations of how the Institution is run and we are at that stage.

MR. ROBISON: Thank you.

Q MR. PEACOCK: Now I believe you have indicated that you have a system whereby an inmate may have a complaint. We will deal generally at this stage. The person that he would approach would be the officer directly in charge of the area that this inmate is in, is that

correct?

A Sometimes. Not always. The inmate may sometimes come directly through my office with a request.

Q How would he get to your office?

A By request. The requests are taken every day from all parts of the Institution.

Q And to whom are these requests made?

A They go to the Classification Officer who sorts them out to the various people for whom they are intended.

Q Where is the Classification Officer? Where does he - who are we talking about?

A You are talking about part of our social service.

Q Where is his office?

A His office is right beside the general main reception in the main hallway.

Q Do you have someone designated as a Classification Officer?

A There are two Classification Officers.

Q Who are they?

A Mr. Dykstra and Mr. Gillespie.

Q They are available for consultation with the prisoners themselves?

A Yes, at all times. Well, during working hours.

Q What are their working hours?

A Generally from 8:15 A.M. to 4:30 P.M. and later, depending on circumstances.

Q Let's take an inmate who is ensconced in the North Wing Dormitory and if he has a complaint of whatever nature,

the general procedure would be for him to go to the Correction Officer in charge of the cubicle, would that be correct?

A That would be correct.

Q And it would be then the Correction Officer's duty to pass on this complaint?

A That's right.

Q And to whom would he in the normal case pass the complaint on to?

A He should communicate with the senior man in the guardroom.

Q And that would be the C.O.2?

A C.O.2 or 3, whoever happens to be in charge.

Q And the C.O.2 and C.O.3 to whom this complaint is being communicated then has the responsibility of passing it on to some other person?

A Or determining if he can cope with it at that point. It may be something of a minor nature but if it isn't, if it is something outside of his jurisdiction or he feels it is. This would depend again on the experience of the men and what would I call it, well, the man's interest, if you will. Sometimes the easiest thing in the world is to pass the buck on to the next guy, let him deal with the complaint. This depends on the human element but generally speaking that is the procedure.

Q If the gentleman in charge of the cubicle in the North Wing considers the complaint completely groundless, does he have the discretion to pass it on?

A I think it should be passed on regardless. Let somebody else decide if it is groundless. From the inmates point of view, it may not be groundless.

Q I appreciate that. Is there anything in the regulations which compel the C.O.1 in charge of the cubicle and in a particular wing to pass on a complaint?

A All requests, all complaints theoretically should be passed on.

Q This is a general regulation?

A It's general and it is generally understood and I am sure any correction officer under examination will tell you the same thing.

Q Now does that gentleman, we will get back to the gentleman who is the C.O. 1 in the cubicle and we are now dealing theoretically with the North Wing.

A Hmm hmm.

Q Does the officer in charge of that cubicle have the authority under the regulations to deal with the complaint if it is of a minor nature?

A Yes, if it is something he can solve here and now, he solves it and it may not be a serious matter.

Q I take it if an inmate complains that the butter is hard in the dining room you are not going to be the person called on?

A Well, no, but eventually it will get through. It will probably come to my office or to the Business Manager's office.

Q Do you have a form, a written form which an inmate can fill out for the purpose of having a complaint relayed?

A Not necessarily. There is a general form for interview and on this are various headings which he can tick off, Institution problems, personal problems, legal aid, temporary absences, so he should tick off the one that he is particularly concerned about. The reason for this is that it is impossible for the Warden or Deputy Warden to deal with any and every request that is received.

Q Where are these forms located generally?

A They are in the guardroom and each of the wings and they are taken around each evening.

Q And are they distributed to the inmates each evening?

A Any inmate who wants a request, he can do so any evening.

Q If an inmate fills out one of these complaint sheets -

A It is not a complaint sheet.

Q I am sorry, what is it?

A It is a request form.

Q Do you have a copy of the request form?

A I don't have one with me but we can soon get you one.

Q All right, perhaps you would provide us with a form this afternoon. Now if an inmate fills out one of these forms, request forms, to whom does he deliver it?

A He gives it to the officer in charge of his wing and in turn, they are sent to the guardroom. They are all together in the guardroom from all over the place and then they are given to the classification officer who

goes through them and if they are for the Chaplain or the Warden or the Deputy, he will sort them out accordingly.

Q What about verbal requests? Are they dealt with the same?

A Verbal requests will be passed on in the same way.

Q Is there any possibility that a complaint which would be a legitimate complaint of an inmate would not get past the Correction Officer in charge of the cubicle?

A It's quite possible.

Q And that would depend on the officer in charge of the cubicle?

A Yes.

Q But your general regulation is to insure that all requests, written or verbal, are passed on from the cubicle to the guardroom?

A To somebody in authority.

Q And then that person in authority if we follow your ordinary course, would be a C.O. 2 or C.O. 3 in the guard room?

A Correct.

Q Would then pass on the request to the Classification Officer?

A Yes.

Q Or if he felt the request didn't merit such action, would deal with it and solve the problem himself?

A Probably, yes.

Q And does he have the discretion to do that?

A Yes, if he can handle it.

Q Now once the Classification Officer has received these

complaints, either written or verbal, his duty then is to channel them off to the area of concern?

A Correct.

Q And that could be the Chaplain -

A Could be the Chaplain. It could be my office, the Deputy Warden's office, any of the Assistant Deputy Wardens, the Social Worker or it may be a request to see the John Howard Society Representative as an example, or the Probation Officer or a member of the City Police Force. We sometimes get men asking they want to see the Police Officer who handled their case or the detective dealing with their problem outside. Legal Aid is another one. There is a whole variety of them.

Q This is the responsibility of the Classification Officer to distribute these requests?

A That's right.

Q The fact is that whether or not the Classification Officer receives the request form will depend on the discretion of the person in charge of the guardroom who will decide whether or not to deal with the complaint on that level or pass it on?

A Let's say in the main they are passed on. A written request is passed on in the main.

Q Verbal request, I would take it, the Warden's Office would have no control over the individual Correction Officers dealing with them?

A I don't think I would have control because I don't know

what the man is doing down there. I am presuming he is doing his job.

Q And his job is simply to make certain that those are passed on?

A Right.

THE COMMISSIONER: Mr. Peacock, it is now five minutes past twelve. Pick a convenient spot to adjourn.

MR. PEACOCK: I think this would be fine. We will reconvene at two o'clock.

THE COMMISSIONER: Two o'clock.

DEPOSITIONS TAKEN AT 2:00 P.M.

MR. PEACOCK: Call Warden Jackson, Mr. Commissioner. I might advise at this stage that we have tentatively arranged for continuation of this Hearing next week. We will reconvene once this week is completed, on Tuesday at ten o'clock A.M. because I believe Monday is the Thanksgiving holiday and we will proceed until Friday afternoon. If we are not finished at that time, we tentatively have the week of October 29th booked for conclusion.

THE COMMISSIONER: Thank you.

JAMES FRANCIS JACKSON, having previously been duly sworn, examined by Mr. Peacock, testified as follows:

THE CLERK: You are still sworn, sir.

A Yes.

Q MR. PEACOCK: Warden Jackson, we left off before the break discussing complaint procedures of prisoners or inmates of the Institution. I believe you have there a document which is the form of document used for inmates to file written complaint. Is that correct?

A It is a Notice of Request form.

Q And is that the form that is attributed to the various cubicles?

A This is the form that is available on a daily basis in every living area of the Institution.

Q Are these forms distributed in the living area or in the cubicles?

A Well, in the living areas which are cubicles or dorms themselves.

Q So they're right in the dormitories themselves?

A That's right.

Q And if the prisoner has a request or complaint, he will fill it out on that form and deliver it to the officer in charge of the particular cubicle in his area?

A That is correct.

MR. PEACOCK: May that be marked, please.

THE COMMISSIONER: This is Exhibit 29 or 30?

THE CLERK: Exhibit 30, sir.

THE COMMISSIONER: Exhibit 30, Request Form.

EXHIBIT 30 - REQUEST FORM AS
DESCRIBED

Q MR. PEACOCK: I believe you have indicated that when such a form is filled out by an inmate, he delivers it to the officer in charge of the area where he is presently stationed and that officer in turn submits the form to the guard room and the officer in charge of the guard room, at his discretion, will forward that onto the classification officer or deal with the request at his discretion?

A If it's something he can deal with.

Q And just for clarification; is the officer in charge of the guard room the person who decides whether it is something he can deal with or not?

A Well, can I give you an example?

Q Certainly.

A A prisoner may want to wear his own shoes, e.g., by reason of infirmity or the area in which he is working. Now, that doesn't have to come to my desk. The officer can deal with that. But, if the man wants it very personal, as they will do in many cases, wanting to see the Warden only, then I will see him.

Q And the instructions to the staff are to see that items directed to your personal attention are in fact delivered to them?

A They come to my office every morning.

Q Now, just if we can briefly, Warden Jackson, just to follow through the general operation of the Institution, could you tell us briefly what occurs when an inmate is first brought to the Institution and if you can follow through in an example, indicate what happens.

A Generally the procedure is, he is brought up by the R.C.M.P. escort following Court proceedings.

THE COMMISSIONER: Mr. Peacock, I wonder perhaps if there is any differentiation between a prisoner who is brought out on a remand and a prisoner brought out to undergo sentence?

A Yes, sir.

THE COMMISSIONER: Perhaps you can make that distinction, then, Warden.

A This is the point I wanted to make. We first of all have a list of the prisoners coming in with their warrants,

because these are the only legal documents in which we can hold a prisoner. Either a remand warrant, remanding a prisoner, a warrant of committal or a warrant of or on his sentence. They're brought into the gaol. Their documents are checked by the admission officer on duty at the admission area which I can indicate on here which is the back of the gaol, if you will, the east end of it. Automatically their personal clothing is removed. It's tabbed, labelled. They go through showers. The medical orderly is down there and if any man has any complaints of any sickness or any bruises are noticed or any injuries noted, they have to be brought to attention. His personal property is checked. We sign the documents from the R.C.M.P. escort that we have received a body and certain personal property. He is showered and he then goes to the inmate clothing area where he is issued with a kit, if you will, ranging from a toothbrush to blankets, sheets, pillow cases and he is allocated to a place within the gaol.

If these are remand prisoners, he will be allocated to the cell block. And a call is made to the cell block, advising that six prisoners or whatever number it is are on their way up and they will place them in the cell available.

Q Which cell block is this?

A That's the main cell block. The ordinary prisoners, if you will, or the prisoner who is sentenced will be allocated to one of the wings. Again depending on our accommodations,

what we have available in each wing and depending to some extent on the length of sentence. We are trying to keep people with short sentences in one area.

Q Which area do you -

A The north area we are trying to allocate to this purpose. It doesn't always work out, but this is the main purpose. Prisoners receiving their first sentence or first offenders, if you will, we have one special wing in which they are allocated. We try to keep these fellows on their own.

Q And which wing is that?

A That is known as the southwest wing, right opposite the dining room. Two small areas. You probably have seen them.

Q Could you point that out on the plan?

A I don't know whether it's on the plan or not. It's located directly opposite the kitchen. Directly opposite the dining room. Yes, here we are. Dormitory here and dormitory there. Right here with the parole centre, right in the middle. We keep day paroles in one - people coming and going on a daily basis, on day parole and we try and keep one dormitory for first offenders. Now, again this would depend on numbers.

Q How much are in each of these dormitories?

A Well, you could have up to 28 in either, if you will.

Q What do you refer to that areas as?

A Southwest and southeast.

Q Now, what about the other areas; for instance, what generally

is the classification of prisoners who are assigned to the west wing.

A Well, people serving three months or more. And again depending on what accommodations we have. You must always keep that in mind. If there are men that we know and have known from past experience who are employable in the kitchen or other areas, they will probably go into the east wing. All people employed in the kitchen are generally kept in the east wing. People working in the laundry, people working on specified jobs. Theoretically the men in the east wing - and this is only theory, of course, - are supposed to be people who are working, workable and people who know how to conduct themselves in a reasonable manner.

Q And that is the east wing?

A That's the east wing.

Q So, if we just can summarize briefly; when the prisoners come in, those who are there on a remand basis only are put into the cell block?

A Right.

Q And those who are first offenders are put into the southeast dormitory?

A Yes.

Q And those cases who are employable, showing a pattern of good behaviour, are put in the east wing?

A Yes.

Q Those shown as, I believe you indicated, short term people or people of non-serious nature would go to the north wing?

A Right.

Q And the balance would be distributed into the west wing?

A Correct.

Q Now, you have indicated there is a booking procedure and you have given example cases where we have the prisoners in question placed in their various dormitories. Could you tell us essentially what happens at the Institution during the average day?

A Well, they rise at 6:30 in the morning or are supposed to rise at 6:30 in the morning. Breakfast is served at seven o'clock in the cell block. The men in the cell block are fed in the cell block. The wings come in, in two sections. We break that down into two sections for supervision purposes. This is so that we don't have a full compliment of people in a dining room at any one time. The reason, well known to any people in our service, is that you can get too many people accumulated in one area and dining rooms have always been a possible problem area. So, we divide our meal time into two sections. Between breakfast and eight o'clock everybody is comparatively free, if I may use the word, but to attend to their toiletries and tidy themselves up. To get ready for work if they're going to work and five minutes to eight the work siren is sounded and eight o'clock the assembly for work parties is given. That is work parties either inside or outside.

The work party officers meet them at the section set aside for assembly area. They take them

to their various job and such places like the greenhouses, in the mechanic shop, out on the field and at the present time gathering vegetables and such people working in the laundry, people working in the kitchen. People working in the tailor shop, the barbershop, working in the gymnasium and people requesting school within the Institution.

Q Who makes the decision as to where a prisoner will be going to any one of these work details?

A We have one officer in charge of work parties.

Q And who is that?

A Mr. Shandera. And these people revolve in the present system of rotation of work. They revolve around, say, from three to six months. We don't ever leave a man on one job forever. Theoretically every man should be worked in different areas in the gaol at different times. But, he consults with the Deputy Warden if necessary. He checks the man's file to see if there is anything in his record which would prevent him from going outside. For example, an escape record or a young man, say, serving his first time in gaol doing an 18 month sentence or two years less one day, we will not put him outside for a considerable period of time, because of the temptation to run. We are aware of that, so he might work inside two, three months, cleaning halls, cleaning the dormitories, being assigned to the laundry and such until we get him settled down. But, in the meanwhile - may I continue?

Q Certainly.

A In the meanwhile he has to be seen by classification. He has to be seen, if he is 16 years old, say, under 21, the classification committee sits regularly to review all these mens' cases with a view to sending them to Bowden if they're suitable for Bowden or recommendation wherever. If they want to go to school or perhaps see the psychiatrist or psychologist. And this is going on on a daily basis. It's going on all the time.

Q What happens to those prisoners who are not working - what are they doing?

A Generally a man isn't put outside to work until we have got his FDS record. In other words, his fingerprints. This is so that we know his background. So we try to get the classification record on him first and then his fingerprint record and then we know what we have to do with him.

Q Now, if you have a fellow who you decide is a bad risk and you decide not to employ him in any capacity, does that happen?

A Rarely. Very rarely that he is not assigned some job, an internal cleaning job or something of the kind. We have a few that we cannot employ because they will not live in the wing. They can't live in the wing. They're aggressive and they can't get on with other prisoners or the prisoners can't get on with them. One or the other.

Q What do you usually do with those?

A Put them in the cell block if we have room.

THE COMMISSIONER: And if you don't, Warden?

A Have to leave him in his dormitory, sir, until we can find them room.

Q MR.. PEACOCK: Now, how many inmates -

A That doesn't involve too many people.

Q Pardon me?

A Go ahead, sorry.

Q How many inmates do you have presently housed at the Calgary Correctional Institution?

A I am guessing. I haven't got the figures this morning, but we are running within the Institution about 350 right now and about 70 at forestry camps.

Q And those people in the camps don't come back daily?

A They're out until the end of their term or unless they establish that they're poor workers and have poor working habits, that they are lazy, idle or that they are instigators. But, if they're fairly known guys, they stay where they are.

Q Now, I omitted to cover something. You indicated that, I believe, in earlier testimony we were talking about the cell block under the guard room which was initially designated the womens' cell block. You have indicated to us that certain prisoners are put there as special cases for their own protection or for others' protection. Could you tell us what considerations are made

there?

A You mean of the individual who goes down there?

Q Yes.

A Well, with all due respect to the ladies, we have what is known in gaol terminology as "skinners". I don't use that phrase myself. I don't use gaol terminology, but I am using it for the purpose of the Court. They are those who rate low on the totem pole in the gaol hierarchy. In other words, in prison parallels people who are in on rape, "rapos" as they're known and child offenders and such like. They very often become the victims of unwelcome and unpleasant attention from other prisoners and we have to take the necessary precautions to see that they're, as far as we possibly can, that they're not interfered with and are not victimized physically or otherwise and sometimes these men ask themselves to be removed.

Q And if such a request is made, are you usually able to accommodate them?

A We try to. Again we certainly do, and we put out the word to keep an eye on him. Equally so, we will, if we have a known homosexual who is perhaps trying to proposition younger boys, if they're known to us, they will also.

Q And they will be put into cells by themselves?

A That's right, sir.

Q Now, on the day by day operation of the Institution, if a

prisoner or an inmate becomes obstinate or if there is a problem with one, what is the procedure set down in order to discipline this person?

A Well, it depends on what degree of obstinacy is involved. You may get a reluctance to go to work sometimes and perhaps the officer will use a little diplomacy and a little common sense and talk to the man and get him to go to work or at least find out why he doesn't want to go to work. There may be a reason. Very often we find that a man may decline to go to work in a certain area because of somebody that has threatened him. Prisoners will not tell you all the facts. They will tell you some and they will not identify people. But, they may refuse to work in order to be put in segregation because they're afraid of someone.

Q Well now, if we have got a case where a prisoner refuses to obey an order or is in breach of one of the -

A Regulations?

Q - regulations, what are the instructions to the guard?

A The procedure is that the officer will submit a charge. It's an internal disciplinary thing. The nature of the charge is written up. The date, time of the occurrence, circumstances.

Q Would you by chance have a copy of the charge sheet?

A Yes, I have.

Q Perhaps you could show a copy to the Commissioner.
Now that document is the document that a correction officer will fill out if he has charged an inmate with breach of a regulation?

A Right, sir.

Q And where is that submitted to?

A That is submitted to the guard room and then it comes to the Deputy's office.

Q And what happens then?

A It would be brought to my attention and it would be dealt with the following day, as a rule, if not that day.

Q And what is done in relation to these charges?

A The violator is brought before what is described as a Warden's Court.

THE COMMISSIONER: Do you want that marked,
Mr. Peacock?

MR. PEACOCK: I am sorry, yes. . Could
we have that marked as the next exhibit. That's
Exhibit 31.

EXHIBIT 31 - CHARGE SHEET
AS DESCRIBED

A At least the charges read over to him and as a rule I ask the man if he has got anything to say. If there is anything he would like to question and if there is any doubt that his story and the story of the officer involved are divergent or different, that is in major

issues. I am talking about evidence. I can adjourn the case and call the officer to give evidence.

Q And do you conduct this in your office?

A No. I conduct it in an office close to the guard room in one of the interview rooms.

Q And these fellows each tell you the story or do you swear them? Do you put them under oath?

A No, I don't.

Q I gather it's an informal Inquiry to find out what happened.

A It's a summary - it's really not so informal. I am asked to adjudicate between a charge laid by an officer and the prisoner who is, who is the accused, and in my opinion unless the evidence is sufficiently strong or there is - you can put it another way. If I have any doubt about the man or about the case, reasonable doubt, I will give the benefit to the prisoner because he is - a prisoner doesn't necessarily mean he is guilty.

Q And I take it you use your discretion if the fellow pleads not guilty to the charge, you will hear both sides of the story and adjudicate upon it?

A Yes.

Q And as a result of your findings, if you find that the charge is a warranted charge and find him guilty, I take it you also have certain privileges that you will withdraw from the prisoner as an offence?

A Depending on the nature of the charge. Depending on the

individual. Sometimes you get a fairly simple type of guy, maybe doing his first time in gaol who doesn't know the regulations as well as he should, who may have been conned into by some other prisoners into doing something that he really doesn't want to, but he does it. And in that case, I feel that at least in the first instance, unless it's something of major damage, i.e., assault, I will give the man a warning the first time. If it's his first time in gaol and his first offence, I am prepared to give him a warning and explain them to him at that point.

Q And is it in the general order and council regulations that the possible punishments are set out?

A If you have a copy of the regulations, they are all laid down. You can take away statutory time, the statutory remission or earned remission or privileges for a day or two days or three days as the case may be.

Q But all of these punishments are set out in the regulations passed by Order in Council?

A Pretty well.

Q If a prisoner shows reluctance to obey the regulations to the extent that he refuses to move or refuses to do something or becomes physically hard, do the guards have a discretion as to what they do pending the hearing of the charge?

A Well, if the man has to be removed from an area, he has to be removed. If he is creating a disturbance or if he

is becoming a problem and if he states, as has been stated at different times, "You have to take me out", okay, we have to take him out. It is the same as with the policemen on the street has to move a person if necessary.

Q And as an example, a refusal to work, does the officer have the authority to sentence the fellow to go into the cell block or into solitary until the hearing of a charge?

A He is put in pending. Pending, the same as taking again a man off the street is to put him into a detention cell pending a charge being laid or otherwise.

Q So, if the correction officer removes or suggests to an inmate that he must go to solitary as a result of some violation, he is being sent there on the basis of being held until the charge can be heard?

A That is correct.

Q The question of a correction officer sending an inmate to solitary is not a question of punishment. It's a question of detention until the charge is heard?

A Detention until the disposition of the charge.

THE COMMISSIONER: How long would he be there?

A One day, sir, unless it happens on a Friday and I can't hear the case until Monday.

Q MR. PEACOCK: So that if a fellow is charged

and put into the cells on a Friday, he would likely be there until Monday?

A That's right.

Q But that's the longest time he would be down there?

A That's right. Unless of course something happens that you might set the case over and generally what you do in that case, you put him up in the cell block and not segregation. You put him up in the cells pending -

Q And the segregation, I believe you told us, is on the "C" Level?

A That's right.

Q Now, without going in specifics, you have files in your office dealing with charges that have been laid over the past?

A On every man on whom a charge is laid the charge sheet is filed and we keep a book on every charge that is laid and at the end of each month a list of those charges, the complaining officer and the adjudication has to be sent to the Attorney General's office.

Q And your files contain each of these matters?

A That's right. Now, I would add, if I may, and I think it's worthy of note, that many times when a man comes up before me, I consider that this man doesn't need punishment. He probably needs attention. And I will refer him to a psychiatrist or psychologist as the case may be.

Q And what you decide to do with him is set out -
your options are set out in the regulations?

A Pretty well, yes.

MR. PEACOCK: Well, Warden Jackson,
those are all the questions I have at the present
time. As you have been advised, we propose to
have you available for recall. I'm going to leave
it now for the other counsel to ask whatever ques-
tions they have of you pertaining to what you have
said today. We would like you to be available for
subsequent recall as the Inquiry proceeds.

THE COMMISSIONER: Well, gentlemen, unless
counsel have other ideas, I would propose that Mr.
Stilwell would open the cross-examination and Mr.
Macdonald and then I take it Mr. Scott, if he is
here and then Mr. Robison, if you wish to re-examine
on the basis of the testimony that you have heard
in direct examination and cross-examination, you will
have an opportunity to do so. Mr. Stilwell.

CROSS-EXAMINATION BY MR. STILWELL:

Q Correction comes under the purview of the Department
of Attorney General, do they not?

A Right, sir.

Q Your ultimate superior is the Attorney General of
Alberta?

A Yes.

Q And there is a Director of Corrections?

A Correct.

Q Who is that?

A Mr. J. D. Lee.

Q Jack Lee of the Department of Attorney General in Edmonton?

A That's correct, sir.

Q And where the Correction Act refers to the Director, that person for the time being is Jack Lee?

A Correct, sir.

Q The Corrections Act also provides that regulations may be made for the running of Correctional Institutions in the province. And I presume that Exhibit 29 is made pursuant to that statute, as far as you know?

A Right, sir.

Q So that Exhibit 29 applies to all gaol , if you pardon the use of the term "gaols", applies to all gaols in Alberta. Are there any special regulations for the Calgary Correctional Institute?

A Not from the Attorney General's point of view. Not from Mr. Lee but from our own internal regulations, if you will, which have also been indicated this morning. Which is a matter of the internal routines within the Institution.

Q In other words, I take it the position is that you are put in charge of an Institution, you discharge your duties under the guidance of firstly the

Corrections Act and secondly the regulations thereto and then within that framework you make regulations of your own?

A To meet the circumstances or the needs of the Institution or the needs of the inmates.

Q Are you in constant or frequent contact with the Department of Division of Corrections?

A I would say reasonably frequent. By telephone or by letter or other means of communication.

Q What is the ranking in terms of security of the Correctional Institutes in the Province of Alberta?

A Well, they all vary, I think. You have what is known generally as an open Institution, i.e., Belmont for Alcoholics. The Bowden Institution, which is minimum security, Fort Saskatchewan and Calgary. We are a mixed bag. We have, I suppose, in terminology, we are mixed, although we have maximum security areas.

Q Is there any Institution which is considered solely a maximum security Institution?

A Not that I am aware of, sir, by definition.

Q So that you might say that Calgary is as high a security as any place in the province?

A Probably, sir.

Q But within the Institution, of course.

A Yes. It varies from considerable security to none at all or almost none. The maximum to minimum.

Q And the maxima would be certainly segregation?

A In the cell block area.

Q Those prisoners who are outside on work parties would be minimum?

A Minimum, yes. People in forestry camps are minimum.

Q What criterion governs admission to the west wing? Let's talk about the west wing, because that is where the trouble started on July 17th. First of all, who decides to put a prisoner in there and on what criterion does he make that decision?

A Depending on how much is known about the prisoner. Depending on the length of sentence. Depending on availability of accommodation and generally the admission officer will speak to the officer in charge of the guard room and find out from him what accommodations are available and where.

THE COMMISSIONER: Mr. Stilwell, pardon the interruption, but when you talk about the southwest wing, are we talking about the dormitory?

A The west wing, where the incident was is the one we are talking about.

THE COMMISSIONER: Perhaps you could show it to me.

A We are talking about the main west wing. The main west area, this one.

(Indicating plan)

THE COMMISSIONER: Then that is the dormitory, isn't it?

A That's an open dormitory.

THE COMMISSIONER: Thank you. Does that coincide with your understanding, Mr. Stilwell?

MR. STILWELL: That is what I had in mind, the so-called west wing as being the centre of the action on July 17th.

Q But in fact - well, I won't put words in your mouth. Would you accept this characterization, that at times it's a "catch-all"?

A Oh, that's possible. There is a mixed bag of people in there.

Q The total or maximum possible occupancy of the west wing is 96 beds, is it not?

A 90, I think now. We reduced it some time ago. It was 96 at one time.

Q And I suggest that on the night of July 17th there were between 80 and 85 beds occupied?

A At least.

Q And there was one man in charge of that wing?

A Yes, sir.

Q Is it not the policy of the Institution to have two men on duty?

A Yes, it is. The general policy is to have two men

when we have two men available.

Q May we explore that. Why would you not have men available?

A Well, sickness for one thing. When your supervisor reports for duty, you may have two or three men who report sick at the last moment. You have the essential days off for men of the staff having their days off. Men on annual leave. Men attending courses at any one time which we will have four or five away as we have at the present time. I would say the ideal situation is two.

Q When you said earlier on that on graveyard shift, from midnight, there would be twelve to fourteen people on duty, I suggest that it sometimes occurs that there are as few as nine.

A There have been nine or ten, yes.

Q Is it the case that your rules require that there must be either a C.O.3 or an assistant Deputy Warden in charge at any time?

A This is an ideal situation as I explained this morning.

Q Well, "ideal" situation suggests that you would permit a deviation from this.

A I would. A C.O.2 can operate a midnight shift in the absence of a C.O.3 because a C.O.3 is just as liable to go sick as anybody else.

Q The establishment of the Institution, and by the "establishment" I mean the staff -

A Yes.

Q - is set down by the Director, I take it?

A Yes. I believe the Treasury have a large say in the establishment of staff, too.

Q Has it ever -

A We have certain requisitions for staff and certain - from year to year which aren't always fulfilled.

Q Has it ever happened that you have asked for appointment of additional staff and it has not come to pass?

A Yes.

Q Do you consider that you are short-staffed at the present time?

A Yes, sir.

Q Now, getting back to the west wing, I suggest that if inmates in that wing decided to take over, it wouldn't matter whether there was one guard in there or two or three, they could effectively do it.

A They could take over from a half a dozen, sir. If they were so minded.

Q If they were so what?

A If they were so minded and this could be in any part of the gaol. Let me establish that if 300 prisoners decided to sit down on their backseat, there is nothing we can do except to contain them.

Q And of course correctional officers are not armed?

A No, sir.

Q The public probably doesn't generally realize that. Is there a reason why correction officers don't carry weapons?

A Up to a few years ago, and I can't give you an exact date, .38 pistols were carried. .38 caliber pistols. These have gone out.

THE COMMISSIONER: Excuse me, Warden. Were they carried inside the Institution, in the cell block?

A No, the men on patrol carried one. They were party officers who carried them on the outside and they were available on the inside.

THE COMMISSIONER: But the man on patrol is the man actually on the inside of the Institution?

A Not the man on the inside. He is on the perimeter patrol.

THE COMMISSIONER: I see, thank you.

A But, may I elaborate on that?

Q MR. STILWELL: Please do.

A My impression, my personal impression is that we have had to use firearms within the Institution in the general view and I consider that one man with a pistol is useless against 12 or 14 people if they decide to take him. Once they have taken him and have taken

the pistol, there is much more danger than ever there was before.

Q Precisely. And in fact if the correction officer is armed, he is an invitation for the inmates to overpower him and take the weapon away from him.

A Yes. Plus the fact that it is a show of force. It's an external show of force.

Q However, there are times when weapons can be issued to correctional officers under certain restricted circumstances?

A Not firearms.

Q Weapons.

A Weapons, not firearms.

Q What weapons can be issued and within what safeguards?

A If the conditions or the circumstances so warrant, we might issue a Mini-Streamer or a Gas Billy or a Gas Gun and these have been rarely used, but they are for use.

Q They're kept locked up?

A They're kept locked up in a steel cabinet.

Q And their issuance is completely safeguarded?

A A senior man has to authorize that.

Q After lights out in the west wing, and correct me if I am wrong, Warden, this is a leading question, but I certainly don't wish to elicit an answer from you that isn't absolutely correct. I take it that the man on duty is in a cubicle at the end of the wing?

A Right.

Q I am informed that there is a light inside the cubicle.

A There is a dim light, if you will. They have a small light.

Q But that the wing is essentially in darkness?

A There is a blue night light arrangement, but it doesn't give too much light.

Q We had a case here involving one Frisco Spotted Eagle -

A Pardon?

Q We had a case here involving one Frisco Spotted Eagle. He was charged and convicted of buggary and possession of an offensive weapon in the wing last winter.

A Yes.

Q Were the lighting arrangements changed after that incident?

A Frankly I cannot answer that to you right now.

Q In any case, if there was a T.V. camera in there, it wouldn't function after the lights were out?

A Not unless there is a special lens and there is now one available. It wasn't available then. I understand that there is now available a special lens.

Q Have you got that equipment installed?

A That is either installed or is being installed.

The AGT have been looking into that.

Q In those wings where you do not have T.V. cameras, do you have sound systems?

A For picking up sounds?

Q Yes.

A No.

Q My information is that the lights in the west wing contain either 15-watt or 25-watt bulbs. Can you deny or confirm that?

A I don't know. I don't operate under that detail. That is DPW detail.

Q Has there been a change in the philosophy in the correction in the last three, four years in the Province of Alberta?

A You mean on an official level?

Q Yes.

A I think so. I think it's not news that there has been a constant change, but perhaps it has been a little more emphasized in the last three, four years. A little more attention has been focused on it.

THE COMMISSIONER: At what level?

A I think at the Attorney General's level. I think at the government level and also I think the public have taken more interest in correction.

Q MR. STILWELL: May I invite you to comment on Section 3 of the Corrections Act (Revised Statutes

of Alberta Vol. 1 Chap 1-70) under which you work.

The purpose - this is Subsection (2).

"The purpose of the Alberta Corrections Service is the correction and treatment of offenders against the law and the protection of the community by ..."

And now we go down to Subsection (e)

"promoting and assisting programs designed to prevent and diminish crime within the community."

Does that, in your experience, reflect the change in philosophy?

A I think if you look back at older Acts, they spoke of the reformation of the prison. Perhaps we are looking into wider interpretation of the word "reformation" of the prisons when we are speaking of rehabilitation. I think that is the ideal object.°
Whether it's attained or not is another matter, but it is the ideal objective.

Q I suggest that conditions in the prisons have changed more in the last three to five years than it did in 25 or even 50 years before that.

A I think so.

Q Why would that change have taken place rather suddenly?

A Well, perhaps focus of attention by the public. I think that organizations perhaps have had a say in this matter. I think perhaps people generally including the politicians and including - and I don't want to talk politics here, but governments I think have become aware of the fact that there are such things as prisons and

people.

Q But at your level as being carried into practice, it must be in response to a change in official thinking.

A I think so. And I also think that the fact that in employing people within the system, greater attention has been paid as an object.

Q Has this change been accompanied by a continuing process of education and re-education of the staff?

A Yes.

Q Now, Section 83 or 84, I have forgotten which - would you look at Exhibit 29, please, Mr. Jackson.

I It sets out in fact the offences of which an inmate may be guilty. The things that he can do which constitute violation against the regulation.

A Yes.

Q For example, disobeying an order of the Chief Executive officer. Disrespectful to any employee and/or visitors to the Institution, is indecent in language, acts or gestures or uses any abusive insolent, threatening or other improper language and so on.

A Yes.

Q Those are the offences for which an inmate may be charged?

A Right.

Q I suggest, however, that in practice, indecent and

insolent language to the staff is common place.

A I think perhaps if I say within staff hearing at staff. Very often it's difficult to identify who is using the language or for whom it is intended. And it's not uncommon. It's not uncommon in the police cells. It's not uncommon in our cells or our areas. But, people will make comments which are derogatory, but they're made at us rather than to us.

Q Is there any part of the Institution in which inmates are required to be silent at all times?

A Not silent. The rule of silence is gone.

Q For the whole Institution?

A Pretty well, the rule of silence is gone.

Q When a Correction Officer is hired, is he given a course of instruction immediately?

A He is given an initial instruction, a talk by myself or the Deputy Warden and we send him on a tour of the Institution. He is put under the charge of a senior man who has had some experience and each officer has to give us an account of this man's performance as he goes along. And this of course covers a two-month period, after which he goes to Edmonton for a basic training course.

Q When he enters the Institution as a member of the staff, is Exhibit 29 put in his hands?

A No, it isn't.

Q When an inmate enters the Institution is any set of rules put in his hand?

A No. But, they are generally told by the officer in the wing, you know, how to behave themselves and how to conduct themselves and so on.

Q What would that consist of, do you know?

A Well, the time to get up in the morning. His requests, his general conduct.

Q It's possible, then, that there would be rules of the Institution that that inmate wouldn't know about?

A Very few, if any. Bear in mind, sir, that the majority of our prisoners have been in our Institution and in every other Institution across Canada and they are well aware of the Institutional regulations. Very few of them, perhaps the new men in their own dormitories and they are told by the officer if they are first offenders. This is why we segregate them.

Q They're also very quick to pick it up if they find that they can get away with something, are they not?

A Well, this applies to most of us.

Q But I'm talking -

A Yes, as a rule, if it's to his own advantage.

Q They haven't got much else to do except to think things about that, have they?

A Well, it depends on your interest and mentality and

the majority of these people have very very few interests outside of themselves.

Q Precisely. Which brings us to the subject of jobs in the Institution. I suggest that there aren't enough jobs to go around to keep people occupied.

A Well, if you are talking about making work situations.

Q Well, let's talk about meaningful -

A Come wintertime, e.g. it is extremely difficult to find sufficient people to do the work.

Q For example, you have a group that makes picnic tables and so on?

A Yes.

Q The farm no longer exists, I understand.

A That is right, except the vegetables growing.

Q The dairy has been closed down?

A Right, sir.

Q And you have some men working in the laundry and some in the shoe shop?

A Barbershop, some at school, kitchen, which takes up a good many peoples' efforts. Your four forestry camps, your greenhouses and your lawns.

Q The fact still remains that enough, quite a number of men who either aren't occupied or are occupied at jobs which are in the nature of -

A Well, you have got a hundred men in your cell block that are not occupied except to keep themselves clean

and for feeding purposes. They are cleaners only. And these men are not committed men. They're remands. They're committed for trial and there is no way we can put them to work.

Q They are men in the dormitories?

A There are some, not what you call a great number. As soon as we get their FDS's and they had their medical attention as required. But, there are always some around.

THE COMMISSIONER: Mr. Stilwell, forgive me for interrupting, but could I prevail on you to pursue questions as to why men on remand are not employed.

Q MR. STILWELL: Yes. When a person is in there on remand - of course he hasn't been convicted of anything, has he?

A That's right.

Q He may be subsequently found not guilty.

A Correct.

Q How do you treat him as distinct from the way you treat men who are serving time?

A Well, he is in maximum security, as a matter of fact. It's not the way I treat it. It's the way the situation is.

Q I am sorry. I didn't mean that personally. I just meant his status in the situation.

A His status in the situation is that of maximum security.

Q Which means he is locked in the cell?

A That's right.

Q And he gets out for an hour or so a day?

A He goes to the gymnasium twice a day and he goes out on exercises, weather permitting. He gets out in evening socials.

Q And there are no jobs?

A And they get out for their visitors. They get out to see the doctor, to see the Chaplain. Some of them are out more than they are in and they so arrange their interviews to make sure that they're out more than they are in.

Q Do they have to do -

A Except cleaning their cells.

Q Their own cells?

A That's right.

Q In a certain sense, there is more hardship on a remand prisoner than there is someone doing time.

A In a sense. But, we should bear in mind, sir, if I may for the purpose of this Inquiry, that in many cases the remand prisoner is to us an unknown quantity from some other part of the country. He may be, you know, appears to be on a comparatively minor charge on remand. But, we have no FDS. We have nothing

about that man. He may be wanted in Toronto or in the United States or some place else on much more serious charges. He may be an escape artist of which we have no information. So, primarily we have got to exercise the precautions.

Q Then to complicate matters, you are moving the remands back and forth to the City?

A On a daily basis.

Q The remand prisoners are in fact a considerable distraction from the operation of the Institution, are they not?

A Well, it means that you have to run almost two separate organizations.

Q And within six months or so they will be removed?

A They will be gone. This is true.

Q And they will be in the Remand Centre downtown?

A Yes.

Q Your powers to discipline the prisoners are derived from Section 83 of Exhibit 29, are they?

A Would you repeat that, please?

Q Your powers to discipline the prisoners? you

A Yes.

Q You yourself do not initiate disciplinary powers, I take it. It's one of your correctional officers who initiate that?

A Whoever is the officer who observes the offence or

is involved in the offence.

Q And he initiates the proceedings by producing or filling in this sheet which says Violation of Correctional Institution Regulations?

A Yes. But, in between times and before that happens, if it's a minor thing, why the correction officer can fulfill his function as a correction officer, he may be able to prevent this thing becoming an offence by talking to the individual, by counseling him right on the spot and correcting him right on the spot, which is a correction officer's duty which may prevent a man from getting an offence charge laid against him. Or he may go to his next senior officer and he may talk to the man himself.

Q If however -

A If the officer is in doubt, he will generally go to his next senior officer and ask for his advice as to whether or not he should lay a charge.

Q If however it goes beyond that and a charge is laid, the inmate is brought before you in due course?

A That is right.

Q I'm reliably advised that in most cases, and by that I mean more than half the cases you hear the charge and decided in the absence of the correctional officer.

A That is correct.

Q You do not feel that it's either necessary or desirable

that the correctional officer be present and hear the proceedings?

A If there is any doubt about it in the course of the Inquiry, if you will, if there is any doubt that the correction officer's presence is required, the case will be set over. If the man pleads guilty, I see no point in calling back the correction officer who is on the midnight shift in his own time off.

Q If he pleads guilty or if he is found guilty, the punishment which is meted out may range anywhere from a reprimand, from a loss of privileges?

A Or a loss of good time up to 30 days.

Q If it amounts to a reprimand only, the man will be sent back to his wing or his -

A That's right. Or we might have him out of the particular wing if we find that his presence in that wing is detrimental to himself or to others.

Q The rule is, I suggest, that frequently the inmate is back in the wing, grinning at the correction officer and that the correction officer doesn't know what happened behind closed doors.

A This is an accusation that has been - I have heard over and over again from every Institution in this country.

Q The reason I asked you this is to give you an opportunity

to answer it.

A I said I heard it over and over again from every Institution in this country. The majority of the officers, all they want or should want is a fair hearing for the individual. But, if they want to be the accuser and the crown prosecutor and the judge, then it shouldn't come up to me at all.

Q Thank you. What is the maximum for practical purposes, punishment that you would impose?

A Oh, three, four, five days off privileges. I have taken thirty days.

Q And privileges consist of what? Reading material?

A Well, not necessarily reading material. I generally let them take their smokes and reading material. But, I cut off the gymnasium and other things.

Q Does he go back to the same wing that he came out of?

A No. If he is off privileges he goes to the cell block until the privileges are up.

Q Now, if you can put a man in a cell block and he is still a behaviour problem, I suggest you have already done the worst you can do to him.

A Well, we sometimes find that in the course of investigation, that it's entirely a behavioural problem for the individual and whatever we are going to do is not going to correct him.

Q Can you ship him right out of the Institution?

A Very infrequently. Occasionally you can do this by arrangement or by agreement. But all you are doing is shifting your troubles over to somebody else.

Q There isn't any Institution available for hard cases?

A No, sir.

Q In segregation, and when I say "segregation" I mean those cells they use to call the "hole" downstairs.

A Yes.

Q You do not use those for punishment?

A No, sir.

Q I am sure you understand me. You do not sentence a man to serve so many days in those cells?

A No, not in the hole as it was known, no, sir. One time we put or we imposed bread and water diet. That's practically gone out. It hasn't been used for years.

THE COMMISSIONER: Is it still available?

A I have my doubts and I have never used it. I never had reason to. I think I used it maybe once in twelve years.

THE COMMISSIONER: Mr. Stilwell, it's now five after three. Would this be a convenient time to break for you?

MR. STILWELL: Yes, sir.

(Brief Recess)

Q MR. STILWELL: Mr. Commissioner, during the break I was advised that Mr. Jackson will be returned to the witness stand later, and after discussions with Mr. Peacock, I have decided that I will reserve any questions that I have with specific reference to July 17th until Mr. Jackson returns.

THE COMMISSIONER: Very good.

MR. STILWELL: That being so, there are only one or two more matters that I wish to discuss with him today.

Q Going back for a moment to the question of staff and the shortage of staff; did you have a number of civilian employees?

A Yes, sir.

Q Can you explain how they fit into the general scheme of things out there?

A Well, they came through a reclassification system a few years ago. Originally every man employed at the Institution was employed as a correction officer. And as such, and in that capacity, was a peace officer and could therefore be called upon at any time and under any circumstances to be used in that capacity. In other words, we could detail the clerk from the office to go and help in the wing if necessary. We could

detail that the clerk in the office go on security if necessary. Or to go and help with the supper in the dining room, when necessary. A certain number of officers have to be on duty there during all meal time. On the reclassification of these people there are clerks, are storemen, are laundry supervisors. These persons or bodies, if I may use that phrase, were never replaced by an equivalent number of correction officers.

Q So, effectively you were deprived of that?

A So we were deprived of their use. I cannot call on a clerk in the event of a disturbance to come and help us. I cannot call on a clerk to act as security for a prisoner who is going to town. I cannot call on a clerk to go in and help supervise in a wing.

Q You do not have a personnel manager by any title or name?

A Not by definition. We don't have a personnel manager as such.

Q Do you feel that to have one would serve a useful purpose?

A Possibly. I don't think it has been explored. I think our department perhaps should have a personnel officer specific. We have a personnel department, but nobody particularly assigned to any particular Institution.

Q Now, I suggest that on the part of the correctional officers in the Calgary Correction Institution there is in existence a deepening crisis of moral at the present time.

A What do we mean by "moral"?

Q I suggest that many many correctional officers who earnestly want to do their job right have given up and just want to put in their time and go home now.

A We always had a certain number of people like that, sir.

Q I suggest that this is a new condition which has set in, in the last two, three years.

A It's set in, and if I may say so, and I am hesitant to mention any incidents or events - we experienced withdrawal services some years ago and that's where the rot set in.

Q And I suggest it has more to do with what they consider to be the undermining of their authority than the incident you refer to.

A Who is undermining their authority, sir, if I may ask you a question?

Q I will put the question this way; are you aware that many many correctional officers feel that there is no use attempting to go administer their duties properly because they will not receive the backing from the administration?

A That is incorrect.

Q The question was, whether you are aware that many of them feel that way.

A I am aware of this. I have always been aware that the correction officers, many of them - not all of them, we have some very fine correction officers who are doing their job and doing it well. But, when you get three or four men staying away booking off sick, perhaps to go to a party rather than coming on duty, I don't think you can blame that on the administration.

Q It is indicative of low moral, though, is it not?

A It could be.

Q So, the answer to my question, then, is, do you admit that there is a low state of moral among the correction officers of the Calgary Correctional Institute.

A It's not as good as it might be.

MR. STILWELL: Thank you.

THE COMMISSIONER: You are through, Mr. Stilwell with respect to this aspect?

MR. STILWELL: Yes, with having the reservations that I had made, I am finished for the moment.

THE COMMISSIONER: Thank you. Mr. Scott or Mr. Macdonald.

MR. SCOTT:

Mr. Macdonald will speak first.

CROSS-EXAMINATION BY MR. MACDONALD:

MR. MACDONALD:

Thank you, Mr. Chairman.

Q Warden Jackson, I hope you will bear with me. We have heard considerable amount of testimony today and my questions may tend to jump around somewhat which I think we will cover most of the points that we would like to. Sir, is there any reason at all for the difference between these open and closed wings?

A Is there any difference at all?

Q Is there any reason for it. I am aware of the physical difference.

A No. It's just a matter of construction. It's a matter of what we inherited.

Q Now, is security or is it easier to enforce in either one or the other of the two?

A We attempt to put it in the open areas, the people who are less required or less in need of security, in that sense of the word.

Q Well, if we could refer to the east wing. Now, I take it when I say a "closed wing" situation, does that describe accurately the east wing?

A Yes. It's closed insofar as there are gates, closed gates which close off the wing as such.

Q I am referring, sir, more to the difference, say if we could compare the west wing and the east wing.

A The only difference is that in the east wing the individuals have a low cut cubicle. As far as the layout is concerned, it's practically the same.

Q But aren't they divided more in the east wing than they are in the west wing?

A Only by the reason of the fact that they have -

Q Well, the answer then, I take it, is yes?

A That they have a low cubicle, but it's still an open wing.

Q That's correct.

THE COMMISSIONER: Just to be clear, Mr. MacDonald. When you are talking about the east wing, are you talking about the east side of the dormitory?

A No, sir. There is an east wing and a west wing. If I may indicate it here. (Indicating plan) That's your west wing and this is your east wing.

THE COMMISSIONER: That's not a cell block?

A No, sir. But, this is shown as an open dormitory, whereas there are small cubicles shown in this area over here.

THE COMMISSIONER: I see. Thank you.

Q MR. MACDONALD: It is a fact, is it not, Warden, that as I understand your testimony, the people on the east wing are your more reliable type

inmates?

A Theoretically.

Q They are the ones that get the jobs, the work in the kitchen?

A Well, they are fellows who have been selected by reason of the fact that either we know them in the past, we know their conduct, their behaviour in the past and we know the degree of security required and they are the people who are interested in working.

Q Well then, you would agree with me, would you not, that they are more reliable in the opinion of the Institution?

A In the overall opinion perhaps this is a fair assessment.

Q And that their area is not as open say, as the west wing?

A That's right.

Q Would you agree with Mr. Stilwell, with his assessment of them, that the west wing in particular as being a sort of a "catch-all" area?

A I am not too sure what is meant by the statement of a catch-all area. If you are speaking of accommodations, you know -

Q I am referring to the type of inmate who lives in the west wing.

A Well, I don't like to distinguish it to that point,

that inmates are of lesser quality than other inmates. They're all doing their time. I'm not going to, if I may select one group as saying that they are less or more than anybody else. The fact is that they never do their time and wherever you place them or wherever place we have for them.

Q Well, let's just review the situation briefly. In your southeast wing you have your day paroles?

A That's right.

Q And in your southwest wing are your first offenders?

A That's right.

Q And your east wing are your workers?

A Yes. Well, in the main.

Q And in your north wing?

A Short terms.

Q What about the fellows doing two years less a day and eighteen months? Is there any general area for them?

A Some of these would be in the east wing and some of these would be in the west wing, depending on what job they're doing and depending on the individual.

Q Now, I believe you indicated that the -

A One thing, may I explain one point?

Q Certainly, sir.

A One reason why we try and segregate the short from the long term, the long term people do not like serving time with the short term. They are reminded

too much of the fellows coming and going with a month or three months to serve and the guy says "I'm going out next week" and he is talking to a fellow who will not be going out for a year or fifteen months. And this can have kind of a devastating effect on a man's morale. We are talking about morale. This is one of the reasons why we try and keep them apart.

Q What I would suggest to you is that in the west wing there is a more mixture of individuals than any other?

A It has. In a more generalized capacity.

Q Can I ask you if you have formed any opinion with respect to where you have more problems? Is there any one area that gives you more problems than the other?

A The west wing perhaps has been the problem area for some little time.

Q Now, in the middle part of July, say around the 16th or 17th, you indicated that there were approximately 80 to 85 inmates in the west wing?

A Yes.

Q And you have indicated today that that's now down to 48 to 50 inmates?

A It was, yes. And I believe it still is. I haven't checked it today.

Q Was there any effort made on behalf of your administration that the Institution take people out of the west wing?

A Certainly.

Q How many people were removed?

A About fifty on the morning or I believe - and I am not giving evidence on incidents here, I am giving this under advisement, that they were reduced to approximately fifty people on the following day.

Q Was there any sort of procedure adopted as to who would be removed?

A Yes, all short term.

Q All short term?

A Right, would be taken out of that wing and put in the north wing.

Q Now, am I correct in dealing again with the west wing, that at night, after lights out, in the body of the wing itself there are about two lights on?

A I believe there is two lights, yes.

Q And would those be located at the far south end of the wing?

A Possibly, yes.

Q Now, dealing with the segregation; as I understand it, there are four areas that could be considered to be segregation of one form or another?

A Yes.

Q And would be for purposes of clarity, as I understand it, there are four cells on C range in the cell block?

A There are four observations.

Q Those are four observation cells?

A For people who may be mentally disturbed or for some other reason of that nature.

Q What other reason would there be?

A Well, observation.

Q People with a medical problem?

A Probably medical problem. Occasionally we get people with medical problems which require their segregation from the others until they are cleared up.

Q Now, in addition to this, we have of course a cell block proper?

A Yes.

Q And in addition to that you have men and womens' segregation?

A Yes, under the guard room.

Q And that's in the basement?

A I suppose you could call it the basement.

Q And in the womens' side, would there be about four cells there?

A There are five, I believe, on one side.

Q And these are open bar cells? They're not like a solid door?

A Open bars.

Q And how many would there be on the other side,
16 cells maybe?

A You have got me on an exact count there, but there
is more than a dozen, I think.

Q Now, there is one other area of segregation which
has been referred to. I think one of the terms
was used for within the Institution is "meditation
cells"?

A That's a slang, is you will.

Q And that's the area that is known - perhaps you don't
know this, but among the prisoners as the "hole"?

A Oh, I know that.

Q And again if I can use the term again, there is a
basement area. Is that not correct?

A Yes, it is. It's downstairs from the first level.

Q Well, if we can compare, say, with a cell block,
a person sitting in the cell block, there is windows
opposite?

A Right.

Q And light?

A Yes.

Q And light can come through those windows?

A Right.

Q But that's not the case, certainly, in the meditation
cells?

A No, it isn't.

Q As a matter of fact, the meditation cells do not
- they have only a small door with a small opening?

A Right.

Q And that opening can only be opened from the outside?

A Right.

Q And it would be possible to close that opening and
leave the prisoner being unable to see anything out-
side. Is that not correct?

A Yes, I guess so.

Q The camera in the guard room, does it pick up what
is going on in the west wing?

A Yes.

Q And again Mr. Stilwell may have covered this, but
what about at night?

A It's extremely difficult at night because of the
lighting factors and the lighting factors we have, if we have
too many bright lights on the prisoners will complain
that they cannot sleep.

Q What about in the meditation area; is there anything
or a camera down there?

A No camera down there. Not at present. We had some
difficulty about locating cameras down there in
case of interference because of steel and other factors,
but I believe they're able to do it now.

Q Now, again, in the meditation area, there is no cubicle

for a guard there?

A No.

Q How often are the people checked down there?

A Theoretically they should be checked within half hour. The officers should go down and check them and there is a man who makes rounds with the clerk and he also checks. We don't do it every fifteen minutes, on fifteen minutes. It's done at frequent intervals.

THE COMMISSIONER: I suppose it's irregular and decidedly so that they are not doing it every fifteen minutes.

Q MR. MACDONALD: Do you know if those grills are ever shut?

A The what?

Q The grills, looking into the meditation cells.

A That they're ever shut?

Q Are they ever shut, to your knowledge?

A Not to my knowledge. I couldn't answer that question.

Q When is the last time you were down there?

A I was down there within the last week.

Q How many people did you have in there at that time?

A There were probably two or three.

Q Now, did I understand you correctly when you said that there or that a person is only placed there?

a day at the most?

A As a rule, unless something happens. It might happen that if he is kept any longer, when he comes up before me, even if he is four, I call it time in custody and he is released. In practice he shouldn't be down there any longer than that. Sometimes you can't always get to the case e.g., a day like today. I can't hold a Warden's case today. Or a Warden's Court, rather.

Q I appreciate that. Are you telling me that nobody has ever been sentenced there?

A Not sentenced, no. They're kept down there waiting sentence.

Q Would it be fair to say that that is probably the most disagreeable portion for an inmate to have to live in?

A Sometimes we have had men who have requested to go down there. When they have wanted to think things over for themselves. They have asked to go down there to be on their own.

Q Now, these cameras, are tapes made of the film in any way?

A No.

Q Is there any way of recovering it?

A There is no way. It's an ongoing thing and I don't know of any system whereby they can be recovered and kept.

THE COMMISSIONER: There is no video taken?

A No, sir.

Q MR. MACDONALD: Warden, who is the medical orderly? .

A Mr. Walker.

Q Now, I take it he is part of the staff?

A Yes.

Q When a person reports - well, perhaps you can tell me. What about in sick parade, how does that operate?

A Well, Mr. Walker, when he is on duty, goes through the cell block every morning, takes the name of any people who are sick or who may request to see the doctor. The wings send him in the names of any men requesting. They're all sent up to the medical room and they're entered on a sheet of which I believe I should have a copy of or you have got a copy. I don't know where I put it now. No, that's a charge sheet. I have a copy of it here. Do you have one, Mr. Peacock? The daily sick reports. The names are entered on that sheet and sent up to the medical room.

THE COMMISSIONER: I would like that entered, please. Is that Exhibit 32, Mr. Clerk?

THE CLERK: Exhibit 32.

EXHIBIT 32 - SICK FORM AS
DESCRIBED

Q MR. McDONALD: Well, if a prisoner is feeling ill and he says, I take it, to the man in the cubicle "Look, I would like to see the doctor", is there any discretion that man in the cubicle can take as to whether he will put this man on the sick list or not?

A He should be put on the list. If a man is feeling ill, he should be sent to see somebody. The nurse or the doctor and that should be recorded.

Q Well, is it mandatory for him to do so?

A Is it mandatory for him to do so?

Q Is it mandatory for him to do so?

A Well, certainly he should do so. I mean that the ordinary course of care and custody -

Q Now, Mr. Peacock this morning went into the complaint procedure somewhat. I would like to know, is there any discretion again in it by the man in the cubicle as to the complications of a complaint as being minor or major?

A If he knows what the nature of the complaint is. If the inmate will describe to him what his problem is. Sometimes they will do so and sometimes they will not.

Q Is he bound, when he receives a written request or a complaint form, is he bound to "pass that on?"

A All requests should be passed on.

Q Now, Warden, you have used the words "should be" twice.

A That's right. Because I am not there and nobody else is there to see whether he passes it on or not. We have to leave this to the officers, to the officer and to his own - not discretion, but as to how he fills his job.

Q Well, again, it's mandatory, then, I take it, that he shall pass on a written complaint?

A Yes.

Q To your knowledge are written complaints ever passed on?

A Possibly. I have been told that they haven't been passed on.

Q Is there any limit on the number of requests that a prisoner can make?

A No.

Q Is there a policy within the Institution that there will be an answer to a written request?

A Certainly. Somebody will see him. Sometimes if it's something that can be delegated to the Deputy Warden or an Assistant Deputy Warden. For example, a request for a visit with his wife will come to my office. I will ask another officer to arrange or to find out the reason for the request.

Q Do they always get an answer?

A I think so, although you will be told again that they don't get an answer. They get an answer and they hear the answer that they want to hear.

Q And there is certainly no sort of a chance that it works back the other way, where they will get a written answer to a written request.

A No. The idea, I will see the man and have him up and talk with him. Find out - okay, let me give you an example. I get requests, Institutional problems. They are ticked off as Institutional problems but when it arrives at my desk, it's not an Institutional problem at all. He wants to see his girlfriend on Sunday.

Q Now, these Warden Courts, do you sit alone on those or do you have other people with you?

A No. I sit alone, but there is generally an Assistant Deputy Warden in attendance.

Q Do they play any role in the proceedings?

A Sometimes. I will ask them something about the man and find out what the man's general conduct is and behaviour is like. If he is a fairly responsible kind of a guy, and has he been in trouble before.

Q Well, does this come before or after? Do you make a finding of guilty?

A That comes somewhere in the proceedings. I don't find him guilty until I have finished with the case.

or not guilty as the case may be.

Q Now, is the prisoner told that he has a choice?

A Of?

Q Of pleading, say guilty?

A Certainly. How do you plea, guilty or not guilty?

Q Is there a Reporter (Court Reporter) present?

A No, there is no Reporter present. It's an informal thing.

Q And there is no tape of the proceedings kept?

A No, sir.

Q There is no one to speak for the prisoner, I take it?

A Very often the officer will speak for the prisoner and this is why I ask the officer in attendance what he knows about the man and very often a man has been given a lesser sentence because of the information provided by the officer.

Q But there is no one there to actually speak with respect to the answer to the questions?

A There is no legal or semi-legal, if you will, representation.

Q Can you tell me again what the results of one of your inquiries can be?

A Guilty or not guilty by reason of lack of evidence and this is another point. Somebody was talking about the morale of officers. Sometimes we get

charges sent up and they're so incomplete that I have to discharge the case because of lack of evidence. And probably those are the very same officers who say that the morale is low.

Q I was wondering, sir, in terms of a finding of guilty, what can you do with the man?

A Well, you can either take privileges away from him. You can give him time served if he has been downstairs one day and I think one day is sufficient, I will say "Time served". I can take him off privileges for a day or a week. I can take up to thirty days of his statutory remission, depending entirely on the nature of the offence and the individual that I am dealing with. If he is a constant offender, you know, and you have some who are -

Q Well, perhaps you could clarify this; if you take away thirty days statutory remission, does this mean that the man eventually will have to do another additional thirty days?

A That's right. Well, it's not an additional thirty days. It is the original sentence. Two years less one day or the year, as the case may be.

Q The thirty days, he won't have to do?

A When he is coming in he is given his remission automatically and it's up to him to see that he keeps that remission. That he doesn't lose it

by reason of discipline.

THE COMMISSIONER: Warden, can you just tell us what the amount of remission would be?

A On a year he will get about four months, sir.

THE COMMISSIONER: Four months off?

A Four months off, right. On a month he will get eight days off.

THE COMMISSIONER: Is it roughly a rule of thumb about a third?

A It works out to about that.

Q MR. MACDONALD: What about the confinement? Again to the meditation cells.

A Yes.

Q Can you put him there as a punishment?

A Yes. But, this is rarely done. I rarely put a man back into meditation cells.

Q Well, the fact is that if you want to you can put him there up to fifteen days, can't you?

A Yes. But, it hasn't been done. I have never put a man down there for fifteen days.

Q Have you ever put a man down at all?

A Not as a rule. I have not in the last eight or nine years. I try and I find out otherwise but I try and find graduated steps to correction, if you will. I try the easier way with the man first and give him a reprimand and we will go on from there. Much the same as happens, I presume, in a Provincial

Judge's Court.

Q Is it possible for a man to get down into the cells at the instigation of somebody other than yourself other than for that first -

A Except he is put down pending and, yes. If in my absence the Deputy Warden is charged with the discipline of the Institution and in that capacity he can adjudicate. If I am away on business or for any other reason.

Q When an inmate is taken there, is he advised of the charge or that he is under a charge?

A Yes.

Q Now, is it a reasonable request for an inmate who is told that you are going to the hole to say that?

A Yes, I think so.

Q And the officer in charge, I take it, should tell him why?

A Yes.

Q Now, you do have the power to put them on a restricted diet, don't you?

A Yes.

Q And by "restricted" diet we are talking about bread and water diet?

A Yes.

Q And I believe it was your evidence this morning that you don't do that anymore?

A Don't use it.

Q But it's certainly present to be used, is it?

A Yes.

Q And on the list, what kind of food a person is getting, there is a list that is circulated in the Institution that says if a man is on a bread and water diet?

A If he is on that, the guard room is advised and the officer in charge of the cells would be advised.

Q Now, with respect to things that inmates can be charged with, I take it you have read Section 85 of your regulations?

A Yes.

Q Actually that is probably Section 84.

A Section 83 and 84.

Q Have there been any guidelines set down within the Institution to help the staff interpret those various Sections, of Section 84 of the Regulations?

A This comes up in the course of staff training.

Q I was wondering, say, like, Section 84 (b). It's an offence to be disrespectful to any employer or visitor in the Institution.

A Yes.

Q Well, who says what is disrespectful?

A I guess the officer who observes it has to determine if he considers it to be disrespectful.

Q But there are no set written guidelines?

A Well, how can you put down guidelines for every possible eventuality? I am asking myself this question.

Q Well, perhaps you can give me an answer to that question. Is there no written guidelines?

A No written guidelines.

Q And it's left up to the discretion of the officer to determine what is disrespectful in this particular instance?

A That's right. And may I add here, sir, for the benefit of the Inquiry, that very few officers put in those kind of charges unless it involves somebody from the outside. They accept a lot of disrespect without charges. We have had cases, if I may give an instance of a case of an inmate up at a window shouting at visitors coming in, shouting at women coming in and making loud remarks, if you will. That, we will certainly put on a charge.

Q I take it the man, he is not guilty until found guilty by your Court?

A That's right.

Q And despite that, he goes down into the hole?

A He goes down to detention, to await. Now, from time to time, if we have found out that the fellow is a little below par or something, we just put him in the cell block, in an open cell. If he is some

kind of an individual that we feel is not quite up to the mark mentally or otherwise. This sometimes happens.

Q There are two sets of cells in the meditation area, aren't there? There is cells,, I take it, that you don't use as a rule?

A There are cells with beds and toilet accommodations on one side and the other side there is no such accommodations.

Q When was the last time those cells were used?

A Six, seven, eight years ago. I just can't recall, it was a long time ago. They're used for storage.

THE COMMISSIONER: Would those be the ones in Exhibit 23, Warden?

A Yes, sir. There was the door on one side.

THE COMMISSIONER: And that's Exhibit 23?

A Right.

Q MR. MACDONALD: What is the policy out there now on haircuts?

A I haven't got the regulations on haircuts. If a man comes in, they may wear their hair to collar length and if a man comes in doing less than a month with long hair, we don't interfere with that because he may be a member of a band or some of those organizations. But, if he is staying with us, then he has got to cut his hair collar length.

Q Why is that?

A Cleanline is.

THE COMMISSIONER: Just interrupting for a moment, Mr. Macdonald. Exhibit 23, Warden, is that it?

A This is the closed side, sir, and this is the other side where there are no beds or facilities at all. It's on the left hand side.

THE COMMISSIONER: Of Exhibit 23?

A In this side, there are beds and toilets, but this side there is nothing, just a concrete floor.

THE COMMISSIONER: Yes.

Q MR. MACDONALD: You used the word, Warden, "mini-streamer". What is a Mini-Streamer?

A Do you want to see one? I think we have all of them here. That's what we call a mini-streamer. It's a liquid tear gas. I can undo it. It's used just like an aftershave lotion.

MR. MACDONALD: I wonder, Mr. Chairman, if that might be marked as an exhibit.

THE COMMISSIONER: All right. Exhibit 33.

EXHIBIT 33 - MINI-STREAMER
AS DESCRIBED

Q MR. MACDONALD: And you also have there a gas billy?

A This is another type of mini-streamer but of a smaller capacity.

Q That's a gas billy?

A No. That's also a streamer. It is used for small enclosed spaces and it only affects one or two people. But, it doesn't permeate a large area. I will show you a gas billy now.

Q Well, just before we move on to the gas billy, could we mark - or tell me, what does that do to a person?

A Well, just what should I say - it throws them down, if you will. It may demoralize (immobilize) them and it makes their eyes stream and cough.

THE COMMISSIONER: Is this just tear gas?

A It's just tear gas. We don't use anything else. It's a Federal Ministry.

Q MR. MACDONALD: And I take it the first one that you showed me contained the same?

A About the same thing, but a little more capacity.

Q Now, could we have a look at the gas billy.

THE COMMISSIONER: Do you want to mark that, Mr. Macdonald?

MR. MACDONALD: Yes, please.

THE COMMISSIONER: Exhibit 34, the mini-spray.

EXHIBIT 34 - MINI-SPRAY
(SMALLER VERSION)

A There are two types of gas billies. A long one and a short one.

Q MR. MACDONALD: How does that particular thing operate?

A Well, you have got a missile in here. Not a missile, but a cartlage. And you load it in much the same way that you load a shotgun. You have got a trigger over here.

THE COMMISSIONER: What does that discharge?

A That will discharge a stream of gas, sir, out into a long area or bigger area.

THE COMMISSIONER: I take it is more powerful than the other exhibits?

A It's more powerful and it will effect a larger area. and is more lasting.

THE COMMISSIONER: But again, it's just tear gas?

A Tear gas.

Q MR. MACDONALD: Do any of those things have the power to numb a person's skin or certain areas of his body?

A Tear gas, not really. It shouldn't. It might make his eyes smart. It might make his nose smart and probably will. And if you get a heavy concentration of it, it could make you pretty sick, I think. Depending on yourself. Some people can resist this stuff and some people can't.

MR. MACDONALD: Could we mark that as well,

sir.

THE COMMISSIONER: Certainly.

EXHIBIT 35 - GAS BILLY

Q MR. MACDONALD: Now, have you got a gas gun?

A This is a short type of the same type of billy, but again a shorter type with a short blast.

Q What is the outer covering of that made of?

A It looks to me like plastic.

THE COMMISSIONER: Warden, could either of those be used as truncheons?

A Certainly.

THE COMMISSIONER: So, it's sort of a dual purpose?

A Yes, sir.

THE COMMISSIONER: Exhibit 36.

EXHIBIT 36 - SHOTGUN
OF GAS BILLY

Q MR. MACDONALD: Now, you have got a gun there, I take it, do you?

A This, sir, is a gas gun. And here is the other one for same.

Q Are we correct in assuming that all these that you have shown to us discharged the same type of material?

A Same type.

THE COMMISSIONER: Tear gas.

A Tear gas, one is a blast type.

THE COMMISSIONER: Warden, does that discharge a projectile or just the gas?

A No. There is a projectile here because you may go down to an area of 75 feet or 80 feet or more and you can lob it into an area. You can probably put it through a window if necessary. And may I point out to the Court that this gas gun has been in our possession twelve years and has never been used except for practice. I would like that to be recorded.

Q MR. MACDONALD: Do you mean never fired?

A Never been fired except in practice.

Q I take it has been brought out and been ready for use?

A It has been brought out and has been ready, but never been fired.

Q Now, you indicated, Warden, that all these -

MR. MACDONALD: First, could we mark that, sir.

THE COMMISSIONER: Exhibit 37.

EXHIBIT 37 - GAS GUN AS
DESCRIBED

Q MR. MACDONALD: Now, you have one more thing in your hand.

A This is a grenade.

Q What would you use a grenade for?

A If you need to throw it into an exercise yard or at long range and if there were a large number of people involved. You would never use this in the one instance. It would have to be something of a riot proportion. It's known as a "triple chaser".

Q The tear gas again?

A Yes. As far as an ordinary grenade, it will hit the ground, ignite and jump up and ignite and jump up and it will ignite and jump up again and that is why it is known as a triple chaser.

THE COMMISSIONER: Are you marking the projectile for the gun?

MR. PEACOCK: Can we mark the projectile for the gun as Exhibit 38 and the grenade as Exhibit 39.

EXHIBIT 38 - PROJECTILE
FOR GUN

EXHIBIT 39 - GRENADE

Q MR. MACDONALD: All right, Warden, what is it?

A A set of handcuffs. I might as well produce all the exhibits while I am here.

THE COMMISSIONER: Do you want those marked, Mr. Macdonald?

MR. MACDONALD:

Yes, please.

EXHIBIT 40 - HALLWAYS

Q MR. MACDONALD: Does every guard have a set of those?

A No. We have about six sets in the whole place.

Q Are they kept in the guard room?

A Yes. They're only issued when a man is going downtown or if we feel we have to remove a man who may be really a physical problem.

Q Now, I take it all those items that you just produced for us are kept under lock and key, are they?

A Yes.

Q And who has the key to it?

A The Deputy's office and at night they're in the guard room.

Q Now, I take it, then, that the senior man on shift has access to them?

A Yes.

Q And I believe you indicated in answer to Mr. Stilwell's question that it would be possible for a C.O.2 to be a senior man on a shift?

A Yes.

Q Theoretically, then, a C.O.2 could be the man who could call for the use of these?

A Possibly, in extreme circumstances.

Q Now, again, is there any set policy, any written

policy as to when these particular items will be used?

A No. No written policy but all officers are instructed and they know that we don't use gas unless it's necessary. And may I, for the purpose of the Commission, point out that all these particular weapons that you see here, particularly the grenade and the gas gun have never been used. Most of our ammunition, if I may use the word, ammunition have to be used up in practice. In other words, we used last year's grenades for practice this year for training purposes. Otherwise, it goes out of use. It's condemned.

Q Now, I take it there is regulations that the guards are to conform to in how they treat prisoners?

A Certainly, yes.

Q And is there any sort of disciplinary procedure for, say, a person laying a complaint against a guard?

A Certainly.

Q Could you briefly describe that for me?

A Well, if a prisoner has a complaint against a guard, I hear the prisoners complaints. I will have the officer in or have him questioned by a Deputy, investigate and find out if there are grounds for the charge.

Q Is it similar to a Warden's Court?

A Not necessarily. It takes more of a formal investigation.

Q Have you had occasion to undertake any such investigation?

A In the past we have had, yes.

Q What was your most recent investigation?

A The most recent one was a request by a prisoner to lay a charge against an officer on the grounds of common assault.

Q Now, you spoke earlier, you felt that there was a shortage of staff at the Institution.

A Let me put it this way. I think we could certainly do with more people in order to man the positions in the ideal numbers. Not that it would make any difference to the men, whether there is one, two or three, but it does give an opportunity to have more than one man on duty.

Q How long have you felt that there has been a shortage of staff?

A Well, it goes on almost on a continual basis, because of casualties of one kind or another. Sometimes you would have eight or ten positions unfilled. You have eight or nine people on annual leave. You have four people on a course. You have four, five people sick. At one time we had eleven officers in the hospital for one reason or another.

Q Are you saying, Warden, that you have always been short-staffed?

A I think Institutions are always short-staffed.

Q You haven't noted it as a particular problem, have you, I take it in the last six months?

A No more than any other time.

Q Have you noted that your staff has been under any particular type of tension?

A They have been under strain. Considerable strain.

Q For any particular period or always?

A Well, I would say in recent weeks and months they have been under some strain.

Q Why is that?

A Well, I think staffs, generally in all Institutions, not just peculiar to Calgary. I think they're all under strain in all the Institutions across Canada and across the United States.

Q When a person applies for a job as a guard at the Institution, is he put through any sort of a personality test?

A There is no psychological test, but there are interviews and we try and get personnel assessments from people who have known them over a period of time. But, every man is on probation for one year.

Q Have you had occasion to discharge people after that one year probation?

A It's not easy to discharge people even at the end of their probation.

Q Well, have you ever attempted to do it.

A We have in the past.

Q Is there any appeal provisions from your decision of a Warden's Court?

A For the inmate?

Q Yes.

A There is no formal appeal. But, the inmate has the right and privilege, if he wants to exercise and I give it to anyone who wants to write to the Attorney General, make his case or write to the Ombudsman and make his case to him. And we have a representative down from the Ombudsman's office in less than no time. And they investigate.

Q Again, are there any general rules with respect to the application of force by the guards towards the prisoners?

A We are covered by the Criminal Code, I think, if you will read - I am sorry, in the opening, I think somewhere about Article 32, 33, 34, 35 on the use of force. And it's also laid down in our regulations. If you look through the regulations you will find it also is covered there. It's covered very early on in the Criminal Code. The use of force, the use of necessary force, the use of excessive force.

MR. MACDONALD: Subject to the fact that the witness will be recalled, I have no further questions.

THE COMMISSIONER: Those are your general questions on the generalities?

MR. MACDONALD: Yes, sir.

THE COMMISSIONER: Mr. Scott.

CROSS-EXAMINATION BY MR. SCOTT:

MR. SCOTT: I only have a few number of questions, Mr. Chairman.

Q With respect to the question of morale, Warden Jackson, you have agreed with Mr. Stilwell, at least so far as you could say, that it could be better. You stated today that you are under-staffed as usual. What is the method of locating and finding employees for the Correctional Institution?

A Direct application from individuals. Advertising in the press, which is now going on as a matter of fact. This is about it generally and people making general inquiries, we will say, at the personnel office in the J. J. Bowlen Building in Calgary. Sometimes Manpower will direct a man to us.

Q And who determines who is to be hired at your Institution?

A Well, we make our own inquiries. We interview him and we make a recommendation to our own office in Edmonton. I suppose ultimately it falls back on myself.

Q I was going to say, when you say "we" who are you

referring to?

A Well, the Deputy Warden and myself and if anybody else knows the man. You know, to get information on him.

Q Is there any specific person who is designated to interview potential officers?

A The Deputy Warden or myself and in the main we interview him together, both of us.

Q Now, once an applicant is accepted, what type of training is he given?

A Well, he either gets, first of all we allocate him to a job with a senior man, with a man of some experience, five or ten years experience. He is always told to ask questions. We give him some preliminary advice as to what he can expect, what to look out for. But, you can't go through a complete training in one or two interviews. However, for two months he has to do preliminary training and the officer looking after him has to indicate - there is a special training book they have to indicate whether he has performed the functions adequately or not. And at the end of two months, he goes to Edmonton for a basic training course. This is of a duration of three weeks. That's his initial instructions.

Q And at the end of two months he goes to Edmonton?

A To Edmonton, to what is called a basic training

course and there is a reason for that.

Q What is that reason?

A The reason is, if you send a man for basic training course before he knows what it's about, and he has never been inside a gaol, he has never seen prisoners and never dealt with prisoners, so the basic training course, you are talking to him about a comparatively unknown quantity. Theoretically the two months gives him at least some initial knowledge of what is being talked about, when he goes on the basic training course.

Q During the two month's initiation period is this person at any time allowed to have, shall we say, direct communication with the prisoners not being under the supervision of the senior officer?

A Well, there may be occasions when he wouldn't be directly under the supervision. No longer relieved for periods of time, but not as a rule.

Q And under the regulations as I understand regulations 86, it states that any staff member observing an infraction of a regulation shall take whatever reasonable action that is required to prevent a continuation of the offence and shall thereupon report the fact in writing to the Chief Executive officer. Would this person who is on the two-month period, would he be in a position to exercise that discretion?

power?

A Yes, he would. In theory he probably would. But, in practise, he probably would not do so until he talked it over with his senior man.

Q Now, you stated, Warden, and we all know that it is provided for in the regulations that there is a punishment system for prisoners who breach the rules. Is there a reward system of any nature in the gaol or in the Institution for prisoners who, shall we say, are good prisoners?

A Well, if it's a question of their privileges, the question of the fact that they may possibly qualify for a camp. Where they are away under minimum supervision with only eighteen or twenty men. They may be sent down even to a football game when we get tickets from some of our donors in the City here. We may select six or eight men to go with two officers to Theatre Calgary who will provide us with tickets from time to time. Other incentives, payments for grades of incentive pay. So, if a man wants to really prove his worth, he goes from grade I to grade II, III and IV. It's not a very high grade of pay, but he can go up the ladder.

THE COMMISSIONER: It doesn't quite meet the minimum wage.

A No, sir.

Q MR. SCOTT: Who determines which prisoners will qualify for these privileges?

A It's not done by any one person. We generally have consultations about them. And we have an incentive pay committee who sits every week and they go through the records of every man in each wing. There is a card system on which is recorded the man's efforts, his work efforts, his general conduct and this is brought to the notice of the Committee. We can either keep his pay grade as it is, put it up or lower it if needs be. Out of the whole of the gaol, this happens maybe to a half a dozen people where they are reduced or kept on the same level.

Q Now, again getting back to the question of morale among the guards, you stated that it could be better. Why do you think it's not as good as it could be?

A Well, morale is something like your health. You consequently have to work at it to keep it good. And you can allow your own morale to deteriorate without any outside factors. And I thought the best people, with all due respect, to ask would be to go to individual officers and ask each of them their own morale. I know that there are some men who would do their job better than others. A lot better and who are prepared to do more than

they are asked to do. And I think that there are employees like that practically in every organization. But, I'm not overlooking the fact that the people working in Institutions of our kind have been under considerable pressure for a long time and for many reasons and there are either too many people outside who know nothing about Institutions trying to run them for us. They know nothing about prisoners and less about crime.

Q And would you feel that that is the primary cause?

A It's an initial cause. You can put too much pressure on your staff and it doesn't all come from inside the gaol. It comes from outside the gaol as well.

Q So, what you are saying, then, is that a lot of the pressure and a lot of the problems that your staff may be having is as a result of outside pressure?

A We can't identify them, but we know them, if you know what I mean. We are aware of them even though we can't identify the source.

Q Do you think this Inquiry has caused any problems within the Institution?

A It certainly has, sir. Not that I in any way object. I think it's one of the best things that has ever happened to us. Let's get this thing out in the open. Let's all know about it.

MR. SCOTT: Thank you. That's all

the questions I have.

MR. ROBISON: I have no questions, Mr. Harradence.

MR. PEACOCK: I wonder, Mr. Commissioner, if I may ask one or two questions and I think we best then adjourn.

THE COMMISSIONER: Go ahead.

RE-DIRECT-EXAMINATION BY MR. PEACOCK:

Q Warden Jackson, you just made mention of the fact that the Inquiry, and this Inquiry itself, you think, has had an effect on the morale of staff?

A Yes, sir.

Q You have also indicated outside pressures. Now, could you give me an idea of what outside pressures.

A I prefer not to identify them at this point of the Inquiry, sir.

THE COMMISSIONER: Just a minute. Will you identify them later, Warden?

A I could probably, but at this point I would like to consult with counsel before I attempt to identify them.

Q MR. PEACOCK: Are you prepared to go so far as, in answer to my question now, of suggesting or advising me if the outside forces which we are talking about are forces advocating reform in the approach to prisons?

A Let's say so-called reforms.

Q They would be people who would be interested in making changes in the Institutions themselves?

A Sir, I don't want to appear to be contentious here. We are just as aware of the needs for changes in the Institutions as anybody outside of it. But, we know what we are dealing with and the people outside do not know what we are dealing with. We know the problems. And I make that statement quite clearly. Now, may I take it one step further? You asked me about the morale and about the effect of it on this Inquiry.

Q Certainly.

A The prisoners are themselves taking advantage of this Inquiry to put pressure on the staff right now.

Q And I take it that that pressure is simply on the basis that they're going to make or expose things?

A I don't know what they're going to do, sir. This would depend on the findings of this Inquiry. But, I will say this; that they are aware of one fact, that whatever happens with this Inquiry, they have nothing to lose whatever. Nothing!

Q Well, I suppose that remains to be seen, Warden.

A No. I am simply saying that I am talking from a prisoner's point of view. I know prisoners. I live with them and I work with them and I know how they think.

Q Now, is the outside pressure - and again I don't want to put you on the spot -

A That's all right, fine.

Q If you would rather hold your answer until you are recalled at the end of the Inquiry, but is the outside pressure that you are talking about, pressure other than pressures from people suggesting reform?

A Perhaps this will unfold itself in the course of the Inquiry, sir.

Q Well, we will reserve that until later, then.

THE COMMISSIONER: Mr. Peacock, I think this has it on a very crucial aspect of this Inquiry. I would like to see it pursued and continued because I am going to ask the Board, and after he (Warden Jackson) consults with counsel to pinpoint the forces of this pressure that is put upon he and his staff. I think the Inquiry would be most remiss if in fact it was not pursued and it's now approximately 23 minutes past four and I'm going to - I know this may throw your schedule out, but I think we are on to a very sensitive point and I am going to ask that the Warden be good enough to return tomorrow after he has had an opportunity to consult with his counsel and indeed to perhaps better prepare himself to give the information then. We don't go tomorrow but Wednesday, rather.

MR. FENNELL: My son, John, has already been thrown out four days, I believe on witnesses which we will have to deal with. No objection, that's fine, sir. If you wish, this to be followed up at this time, then it's best to adjourn and ask the Warden to return ten o'clock Wednesday.

THE COMMISSIONER: I think I must tell you, Warden, that it will be the purpose of this Inquiry to ascertain these particular sources. I think it's vital to the Inquiry itself and to the further of administration.

A Thank you, sir.

MR. SCOTT: Mr. Chairman. When this came to pass, the reason why I did not pursue it myself was because it was my understanding that the more general questions i.e., that which is in the general running of the system was not going to be attached until the tail end of this Inquiry. In view of the fact that you have now decided that it should be pursued now, I would request that counsel Mr. Macdonald and myself have the opportunity to re-examine Warden Jackson on this particular point.

THE COMMISSIONER: Certainly.

A May I, sir, Mr. Chairman?

THE COMMISSIONER: Yes. ..

A I would suggest also that not only that I be heard, but that some of my other senior officers and some

other responsible members of my staff, and there are quite a number of responsible men on the staff - some of them are sitting here whom I am sure would be willing to be heard as to what the pressures are.

MR. PEACOCK: I think we have got just about everyone out from the Institution for this week, Warden Jackson, and I would think that that would include the majority of the staff. If there is anyone that isn't subpoenaed, I would ask, through the Commissioner that you notify Inspector Roberts so that they are. My problem, Mr. Commissioner is this; under our Terms of Reference we are to make an Inquiry into an incident on July 17th and any other incidents that arise. I found it difficult to call Warden Jackson and I know all other counsel did and endeavoured to restrict ourselves to merely routine day by day operation and not get into complaints and problems. And I'm wondering if I could ask you to rule in this respect. Do you wish us to pursue general problems now?

THE COMMISSIONER: Yes.

MR. PEACOCK: Or have we got enough of the background as to the running of the Institution where we can go in and hear evidence at the moment on different incidents of complaints. Once we have heard those incidents of complaints, my proposal

was that we would then recall Warden Jackson. We would call the Assistant Warden, Stanton and anyone else who has a general comment to make in the running of the prison. What I am saying is simply that we can go into a general Inquiry now or we can hear the evidence of specifics which may give us more ground work to -

THE COMMISSIONER: Mr. Peacock, I appreciate your point, but I am concerned with the remarks made by the Warden about outside forces and his willingness to name them after he has consulted with counsel. And it has been my experience in the past that generally something that's vital as this over a long period of time may be either ignored, perhaps forgotten and it's not my intention to allow this to pass at this time. I want them named.

MR. PEACOCK: Well, then, we will have Warden Jackson back on Wednesday at two o'clock.

THE COMMISSIONER: Yes, as the first witness. And then I think we can dispose of that. I well appreciate your problem. I don't intend to bog it down, but I think it is vital and it is at the very heart of things.

MR. PEACOCK: Thank you, sir.

(Inquiry adjourned sine die)
